

# Associated Press

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## High Court to Consider Retroactivity of 'Crawford'

The Supreme Court agreed Monday to decide whether old cases are affected by a 2-year-old ruling reiterating that the Constitution guarantees a criminal defendant the right to confront his accusers.

At the time it decided *Crawford v. Washington*, a major criminal law case, the high court did not say if its ruling was retroactive.

Multiple inmates have brought appeals claiming that like Michael Crawford, their Sixth Amendment constitutional rights were violated.

The high court had thrown out Crawford's conviction for assaulting an acquaintance he had accused of trying to rape his wife. His wife, Sylvia Crawford, did not testify at Michael Crawford's trial, but prosecutors played a tape they claimed showed her story did not match his.

The case that justices agreed to hear later this year was brought by the state of Nevada, which wants the court to reinstate a 1988 child molestation conviction.

An appeals court had said that statements a 6-year-old girl made to police should not have been used at her stepfather's trial because she did not testify. Marvin Bockting's lawyers did not have a chance to cross-examine the girl.

The case is *Whorton v. Bockting*, 05-595.