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SUPREME COURT TO HEAR DOMESTIC HOMICIDE CASE

The Supreme Court has agreed to hear a case that could clarify the Sixth Amendment's "confrontation clause." It may have implications for victims of domestic violence.

Giles vs. California is an appeal brought by Dwayne Giles, a California man accused of shooting and killing his former girlfriend, Brenda Avie. Several weeks before the murder, Avie told police that Giles was threatening to kill her. At issue is whether the police officer's testimony about what Avie told him is admissible, since Giles cannot now face Avie in court to challenge her claim that he was threatening her life.

This is not a new issue for the Supreme Court. Its 2004 decision in *Crawford v. Washington* emphasized the right of defendants to confront a state's witnesses. In that case, the Court ruled unanimously that statements from witnesses who do not come to court and thus cannot be confronted by their accusers should be excluded. It was, at that time, a significant change to existing law.

The issue arose again in 2006, but the Court only partially answered it. At that time, the *New York Times* reports, "Justice Scalia addressed concerns that victims of domestic violence, who are often afraid to testify in court, might suffer from such a rule. Defendants who 'seek to undermine the judicial process by procuring or coercing silence from witnesses and victims' would forfeit the protection of the confrontation clause."

"It is therefore likely that the justices accepted the new case, *Giles v. California*, to make it clear that as long as the victim's unavailability as a witness was a foreseeable consequence of the murder, the Sixth Amendment does not require the state to prove the actual motive for the murder was to make the victim unavailable," the *New York Times* reports.

Giles vs. California is likely to be argued in April, with a ruling expected this summer.
