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#### **FORFEITING THE RIGHT TO PRECLUDE TESTIMONIAL HEARSAY WITHOUT CONFRONTATION**

*Scott v. State*, 139 N.E.3d 1148 (Ind. Jan. 31, 2020) – Defendant was convicted of battery resulting in bodily injury to a pregnant woman, obstruction of justice, and 30 counts of invasion of privacy. He appealed, arguing that his Sixth Amendment rights were violated when the trial court admitted the victim’s prior statements to two law enforcement officers. The court of appeals affirmed, holding that defendant forfeited his Sixth Amendment right to confrontation due to his own wrongdoing.

“Defendant's conduct in repeatedly urging victim, his girlfriend, to change her story and not attend depositions or trial was designed, at least in part, to keep her from testifying against him, and thus defendant's wrongdoing forfeited his Sixth Amendment right to confront victim, and victim's statements to law enforcement were properly admitted despite her refusal to testify at trial for battery resulting in bodily injury to a pregnant woman; evidence indicated that victim cooperated with law enforcement after the incident by providing information about the incident and defendant, but defendant attempted to contact her nearly 400 times and successfully contacted her over 100 times, convincing her to ask prosecutor and court to dismiss the case and ultimately to stop cooperating.”