

SUPREME COURT OF IOWA

State of Iowa v. James Howard Bentley

739 N.W.2d 296 (Iowa 2007) · No. No. 06-1000 · Decided September 28, 2007

SUMMARY

The Supreme Court of Iowa held that videotaped statements made by a ten-year-old child during a forensic interview were testimonial under the Confrontation Clause. Because the child was unavailable and the defendant had no prior opportunity to cross-examine her, the court affirmed the district court’s ruling that the statements were inadmissible at trial.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Hecht, Justice
JURISDICTION	Iowa
DECIDED	September 28, 2007
DOCKET	No. 06-1000
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought discretionary review of an interlocutory district court ruling granting Bentley's motion in limine and holding that a deceased child's videotaped statements would violate Bentley's rights under the Confrontation Clause if admitted at trial.
STANDARD OF REVIEW	De novo review applies to claims involving the Confrontation Clause.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	State of Iowa v. James Howard Bentley

TOPICS

- sixth amendment
- criminal procedure
- evidence
- hearsay

PRACTICE AREAS

- criminal procedure
- constitutional criminal procedure
- evidence

QUESTIONS PRESENTED

- Whether J.G.'s videotaped statements were testimonial statements under the Confrontation Clause.

2. Whether the statements were inadmissible because J.G. was unavailable to testify and Bentley had no prior opportunity for cross-examination.
3. Whether the State's interest in protecting a child victim permitted admission of the recorded statements without live testimony and cross-examination.

HOLDINGS

1. A child's videotaped statements are testimonial when, under the circumstances, the interview functions as a substitute for police interrogation and is conducted with extensive police participation to obtain evidence concerning past criminal acts.
2. The government bears the burden of proving by a preponderance of the evidence that challenged statements are nontestimonial.
3. The videotaped statements were inadmissible under the Confrontation Clause because J.G. was unavailable and Bentley had no prior opportunity to cross-examine her.

KEY QUOTATIONS

“Because we conclude J.G.’s statements are testimonial, J.G. is unavailable to testify at trial, and Bentley had no opportunity for cross-examination, we affirm the district court’s ruling that the videotaped statements are inadmissible under the Confrontation Clause.” (739 N.W.2d at 297)

“Using the term in its colloquial sense, as the court did in Crawford, see id., we conclude the interview of J.G. was essentially a substitute for police interrogation at the station house.” (739 N.W.2d at 299)

“Because Bentley has no opportunity to cross-examine J.G., the admission of her testimonial statements would violate Bentley’s right to confront witnesses against him.” (739 N.W.2d at 303)

FACTUAL BACKGROUND

A ten-year-old child, J.G., was interviewed at a child protection center by a counselor while a police investigator and a Department of Human Services representative watched and listened through an observation window. The interview was arranged by law-enforcement and DHS personnel, focused on eliciting details of alleged past sexual abuse by Bentley, was videotaped, and the recording was labeled and stored as police evidence. J.G. was later murdered and therefore unavailable to testify, while Bentley had no prior opportunity to cross-examine her.

PROCEDURAL HISTORY

Bentley was charged in Linn and Benton Counties with second-degree sexual abuse. The district court initially ruled that admission of the videotaped interview would not violate the Confrontation Clause, but after Bentley filed a motion in limine, the court reconsidered and ruled the evidence inadmissible because Bentley had no opportunity to cross-examine the deceased child declarant. The Supreme Court of Iowa granted the State’s application for discretionary review and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hallum, 606 N.W.2d 351, 354 (Iowa 2000)
- Crawford v. Washington, 541 U.S. 36 (2004)
- United States v. Arnold, 486 F.3d 177, 213 (6th Cir. 2007)
- Idaho v. Wright, 497 U.S. 805, 816 (1990)
- Ohio v. Roberts, 448 U.S. 56, 74-75 (1980)
- Davis v. Washington, 547 U.S. 813 (2006)
- Maryland v. Craig, 497 U.S. 836 (1990)
- L.J.K. v. Alabama, 942 So. 2d 854 (Ala. 2005)
- T.P. v. State, 911 So. 2d 1117 (Ala. Crim. App. 2004)
- People v. Sisavath, 118 Cal. App. 4th 1396, 13 Cal. Rptr. 3d 753 (2004)
- People v. Sharp, 155 P.3d 577 (Colo. Ct. App. 2006)
- In re Rolandis G., 352 Ill. App. 3d 776, 817 N.E.2d 183 (2004)
- State v. Henderson, 160 P.3d 776 (Kan. 2007)
- State v. Snowden, 385 Md. 64, 867 A.2d 314 (2005)
- Flores v. State, 121 Nev. 706, 120 P.3d 1170 (2005)
- State v. Blue, 717 N.W.2d 558 (N.D. 2006)
- State v. Mack, 337 Or. 586, 101 P.3d 349 (2004)
- State v. Pitt, 209 Or. App. 270, 147 P.3d 940 (2006), opinion adhered to on reconsideration, 212 Or. App. 523, 159 P.3d 329 (2007)
- In re S.R., 920 A.2d 1262 (Pa. Super. Ct. 2007)
- United States v. Burr, 25 F. Cas. 187, 193 (C.C. Va. 1807) (No. 14,694)
- United States v. Bordeaux, 400 F.3d 548, 556 (8th Cir. 2005)