

07-6053 GILES V. CALIFORNIA

DECISION BELOW: 152 P3d 433

LOWER COURT CASE NUMBER: S129852

QUESTION PRESENTED:

In *Crawford v. Washington*, 541 U.S. 36, 62 (2004), this Court recognized that the forfeiture by wrongdoing rule “extinguishes confrontation claims on essentially equitable grounds.” The question presented by this case is:

Does a criminal defendant “forfeit” his or her Sixth Amendment Confrontation Clause claims upon a mere showing that the defendant has caused the unavailability of a witness, as some courts have held, or must there also be an additional showing that the defendant’s actions were undertaken for the purpose of preventing the witness from testifying, as other courts have held?

EXPEDITED BRIEFING

CERT. GRANTED 1/11/2008