



# CaseLaw Update

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### CaseLaw This Week

Week Ending February 4, 2005

#### • Relevance

#### Relevance – Character of Victim

*Daniel v. State*, A04A1987 (01/19/05), 05  
FCDR 237, 2005 Ga. App. LEXIS 28.

Defendant was convicted of armed robbery and aggravated battery. On cross exam, the defense asked the victim witness whether he sold marijuana and prescription medications. The State objected for relevancy. The trial court sustained the objection. The defense was limited to cross examine on the victim's use or possession of drugs on the night in question but not about any alleged drug sales. The court reasoned that the use or possession of drugs is relevant to the victim's identification of the defendant but allegedly selling drugs was irrelevant. On appeal the defendant claimed that he was denied his ability to cross examine on relevant evidence. The Court of Appeals disagreed. **Although a defendant is entitled to a thorough and sifting cross examination as to all relevant issues, a victim's character is rarely relevant for any purpose in a criminal proceeding.** Judgment affirmed.