

Prosecuting Attorneys' Council of Georgia

CaseLaw UPDATE

WEEK ENDING MAY 9, 2008

Legal Services Staff Attorneys

David Fowler
Deputy Executive Director
for Legal Services

Chuck Olson
General Counsel

Joe Burford
Trial Services Director

Lalaine Briones
Trial Support

Laura Murphree
Capital Litigation

Fay McCormack
Traffic Safety Coordinator

Patricia Hull
Traffic Safety Prosecutor

Gary Bergman
Staff Attorney

Tony Lee Hing
Staff Attorney

Rick Thomas
Staff Attorney

Donna Sims
Staff Attorney

Jill Banks
Staff Attorney

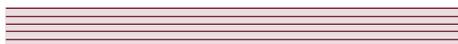
Al Martinez
Staff Attorney

Clara Bucci
Staff Attorney

Brad Rigby
Staff Attorney

THIS WEEK:

- *Crawford* and Right of Confrontation



Crawford and Right of Confrontation

Thompson v. State, A08A0370

On appeal, appellant contends that the trial erred in admitting an audiotape of a 911 call made by the victim. Appellant argues that the admission of the audiotape violated Crawford and his Sixth Amendment right to confrontation. At trial, the victim, Claudette Pope, did not testify. The State tendered an audiotape of Pope's call to 911. The Court of Appeals affirmed the judgment of the trial court. The Court noted that Pope informed the operator that she had been hit, had a swollen face, and was experiencing bleeding. Although Pope advised the 911 operator of appellant's location in another apartment, the call was non-testimonial in nature. The phone call was made to seek assistance in a situation involving immediate danger. The Court also discerned no clear error in admitting the contents of the call under the res gestae exception to the hearsay rule.