

COA Opinion: Allowing a child witness to testify from behind a witness screen in a sex-abuse case does not violate the Confrontation Clause or MCL 600.2163a.

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Ronald Rose was convicted of four counts of criminal sexual conduct against an eight-year-old girl and of two counts of disseminating sexually explicit matter to minor (the girl and her ten-year-old brother). In *People v. Rose*, No. 290936 (published Aug. 26, 2010), the Court of Appeals rejected his argument that allowing the girl to testify at trial from behind a screen violated the Confrontation Clause of the Sixth Amendment to the U.S. Constitution and a Michigan statute. This procedure did not violate the Confrontation Clause because the U.S. Supreme Court has held that there is a compelling state interest in protecting child witnesses, and the trial court here made specific findings that the screen was necessary to protect the girl because of her fear of Rose, of her age, and of a therapist's testimony that there was a high likelihood that the girl would suffer psychological damage if required to testify face to face. It also did not violate the Michigan statute, [MCL § 600.2123a](#), because that statute does not address witness screens, and courts have inherent authority to control procedures that includes the authority to use witness screens. The Court of Appeals also concluded (1) that the use of witness screens is not inherently prejudicial (like requiring a defendant to testify in prison garb is), (2) that it was not an abuse of discretion to deny Rose's motion, filed one day before trial, to exclude the prosecution's expert witness on child sexual abuse dynamics, and (3) that Rose's counsel was not ineffective. Accordingly, the Court of Appeals affirmed Rose's conviction and sentence of 25 to 50 years in prison.