

Can You Confront Your Accuser in a Sex Abuse Case in Utah?

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Charges of sexual abuse are serious and those who face even an accusation of sexual assault could end up going through a stressful process. One of the most common questions people have about sex abuse cases is whether they have the right to face their accuser in court. In the United States Constitution, the Sixth Amendment provides basic protections to those who have been accused of a crime. One of the protections is the right of a defendant to confront those who are accusing him or her of a crime. Traditionally, this means that the defendant has the right to face his or her accuser in an open court of law.

During the past few years, this confrontation law has started to shift. Sometimes, witnesses are able to provide their testimonies without having to face the defendant in open court. This might include providing testimony in a separate location from where the trial is taking place. It is important to understand what this means and how this impacts someone who has been accused of sexual assault.

The Case of Maryland vs. Craig

Heard by the United States Supreme Court, *Maryland vs. Craig* was a landmark decision because it held that the right of a defendant to face his or her accuser does not necessarily entail them coming face to face in court. Of note, this ruling does not block witnesses from giving testimony in court; however, it does severely limit Article Six of the United States Constitution when it comes to the rights of those facing criminal charges. For example, if there are concerns regarding the witness's safety, they might provide testimony via television or some alternative mode of communication.

What Does This Mean for the Defendant?

Depending on the stage of a case, this could mean that the defendant might not get the opportunity to face or question his or her accuser, including as it pertains to sexual abuse signs, in open court. For example, for a long time, Utah has permitted the victim to provide a statement in lieu of actual testimony at a preliminary hearing. A preliminary hearing is where the defendant is indicted, sending the case to trial.

Whether or not a defendant is able to summon his or her accuser to the stand has been debated. The Utah Court of Appeals has considered similar cases in the past.

Due to the serious nature of sex abuse allegations, it is possible that the defendant might not be able to summon his or her accuser to the stand in open court. This is particularly true if the accuser is a child. For this reason, it is critical for all defendants to rely on the experience and expertise of a criminal defense lawyer who can protect the rights of his or her client.

Contact Wasatch Criminal Defense Lawyers in Utah Today

At Wasatch Criminal Defense Lawyers, we specialize in sex crimes defense. We are aggressive and work to get charges reduced or dropped altogether, keeping our clients off of the sex offender registry and out of jail as much as possible. Contact us today to learn more about our services.

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