

22-899 SMITH V. ARIZONA

DECISION BELOW: 2022 WL 2734269

LOWER COURT CASE NUMBER: 1 CA-CR 21-0451

QUESTION PRESENTED:

Whether the Confrontation Clause of the Sixth Amendment permits the prosecution in a criminal trial to present testimony by a substitute expert conveying the testimonial statements of a nontestifying forensic analyst, on the grounds that (a) the testifying expert offers some independent opinion and the analyst's statements are offered not for their truth but to explain the expert's opinion, and (b) the defendant did not independently seek to subpoena the analyst.

CERT. GRANTED 9/29/2023