

IN THE COURT OF APPEALS OF IOWA

No. 8-058 / 06-2017
Filed February 13, 2008

STATE OF IOWA,
Plaintiff-Appellee,

vs.

GREGORY PHINTON GLENN,
Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, J. Hobart Darbyshire,
Judge.

A defendant appeals his conviction and sentence by the district court.

REVERSED AND REMANDED FOR NEW TRIAL.

Mark C. Smith, State Appellate Defender, and Shellie L. Knipfer, Assistant
Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant
Attorney General, Michael J. Walton, (Acting) County Attorney, and Joseph A.
Grubisich, Assistant County Attorney, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

MAHAN, P.J.

Gregory Glenn appeals his convictions and sentences by the district court, following a jury trial that found him guilty of assault under Iowa Code section 708.1 (count I) (2005) and domestic abuse assault causing bodily injury under section 708.2A (count II). During the trial, the primary witness against Glenn was the alleged victim, S.I. She did not appear for trial and did not testify. Prior statements from S.I. during an interview by the State were admitted by the district court as evidence against Glenn, over his Confrontation Clause objection to the statements. See *Crawford v. Washington*, 541 U.S. 36, 42, 124 S. Ct. 1354, 1359, 158 L. Ed. 2d 177, 184-85, 203 (2004); *State v. Bentley*, 739 N.W.2d 296, 297-98 (Iowa 2007). Following the guilty verdict, Glenn appeals his convictions and sentences on the basis that admission of S.I.'s statements violated his Sixth Amendment right under the Confrontation Clause. The State concedes that the district court's admission of this evidence was erroneous, violated Glenn's Confrontation Clause rights, and his convictions should be reversed. As requested by Glenn, we reverse his convictions for assault and domestic abuse assault causing bodily injury and remand the case back to the district court for a new trial.¹

REVERSED AND REMANDED FOR NEW TRIAL.

¹ Glenn's first assignment of error concerning the district court's denial of his request to enter a plea after jury selection is rendered moot by our reversal of his convictions, and we do not address it.