# CAPTION: STATE V. YOUNG

**04-19-23**

APPEAL NO.: C-220336

TRIAL NO.: B-1906400

KEY WORDS: DOMESTIC VIOLENCE – EVIDENCE

SUMMARY:

In a domestic-violence bench trial, the trial court’s refusal to admit defendant’s proposed exhibit showing a text message the victim allegedly sent to defendant after an altercation was harmless error: defendant’s testimony that he received the text message was sufficient under Evid.R. 901 to authenticate the text message; however, even if the text message had been admitted, it would not have conclusively shown that the victim sent the message because the victim denied texting defendant, and the victim testified that her cell phone went missing contemporaneously with the argument that she had with defendant, and she had to get a new cell phone.

The admission of evidence pertaining to defendant’s alleged prior infidelities was harmless error in a domestic-violence bench trial where the trial court stated that the evidence would be considered to explain why the victim had been looking through messages on defendant’s Apple watch; defendant admitted in his testimony that he had been unfaithful to the victim; and the evidence had no bearing on whether defendant committed domestic violence.

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; CROUSE, P.J., and BOCK, J., CONCUR.