# CAPTION: STATE V. PALMER

**05-10-23**

APPEAL NO.: C-220146

TRIAL NO.: C-21CRB-15598

KEY WORDS: CONSTITUTIONAL LAW/CRIMINAL — DUE PROCESS —

MATERIALLY EXCULPATORY

SUMMARY:

The trial court erred by dismissing on due-process grounds a complaint charging domestic violence, because defendant’s due-process rights were not violated when the state, without bad faith, failed to preserve a video interview of the prosecuting witness that was not materially exculpatory as it would not have contributed in any appreciable way to defendant’s defense.

JUDGMENT: REVERSED AND CAUSE REMANDED

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