# CAPTION: STATE V. HILL

**05-10-23**

APPEAL NO.: C-220330

TRIAL NO.: 22CRB-5036

KEY WORDS: CONSTITUTIONAL LAW/CRIMINAL – FIFTH AMENDMENT

SUMMARY:

Defendant did not demonstrate that the trial court committed plain error in allowing a defense witness to assert her Fifth Amendment right against self-incrimination during defendant’s assault bench trial where defense attorney’s reference to the witness as the “candy lady” during cross-examination of the victim raised the Fifth Amendment concerns in the first place, and when the witness invoked her Fifth Amendment privilege, defendant did not object to the witness’s refusal to answer the questions, and defendant did not proffer any further questions of the witness.

JUDGMENT: AFFIRMED

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