

VAWA CONFIDENTIALITY AND PEOPLE V. ALVAREZ ALVAREZ

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FACTS

On March 17, 2010, Defendant Miguel AlvarezAlvarez entered the apartment of his former girlfriend, Teresa where she was sleeping with their young daughter. The defendant assaulted Teresa twice: once with a cable around her neck and a second time with a knife to her throat. Defendant was convicted of two counts of forcible rape and other charges in the first trial that stemmed from the March 17 incident. On appeal, the defendant argues the district court erred twice with respect to admissibility of evidence.

ISSUES ON APPEAL

1. Whether the court properly admitted the testimony of a nurse who examined the victim after the assault as an expert opinion.
2. Whether the court erred in denying the defendant's request to introduce evidence that the victim applied for a U Visa based on the assault.

DISCUSSION

The standard of review for a trial court's ruling on admissibility of evidence is for abuse of discretion. Thus, such rulings will not be overturned unless the reviewing court finds the trial court abused its discretion in an "arbitrary, capricious, or patently absurd manner that resulted in a manifest miscarriage of justice."¹

- A. In the first issue on appeal, the defendant argues the trial court erred in admitting the testimony of the nurse on matter relating to the assault because the witness was just a nurse and not a qualified expert. However, the court disagrees and holds that the trial court did not err in admitting the nurse's testimony as an expert because her education was directly relevant to the issues at trial and she had more than enough experience to provide an expert opinion.²
- B. In the second issue on appeal, the defendant argues the trial court erred by not allowing him to present evidence that the victim applied for a U Visa asserting the probative value outweighed the potential for prejudice. The defense wanted to introduce her application

¹ *People v. Rodriguez*, Cal.4th 1, 9-10 (1999).

² The contested testimony given by the nurse was about the victim's genital exam and whether her eyes were red due to strangulation or crying. The court found that both issues were within her expertise, but even so, neither issue was dispositive in the case.

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as evidence that she only filed the assault charges to obtain legal status. The trial court excluded evidence of the visa because it determined it was of little significance and had potential to be highly prejudicial. The defendant also argues this exclusion of evidence denied him a defense and was thus unconstitutional. However, the court struck down this argument because trial courts have the discretion to exclude evidence it feels would create undue prejudice. Here, the appellate court recognized the ruling of the trial court as valid when it decided the introduction of the U Visa as evidence would be more prejudicial than probative.³ Thus, the trial court acted within its discretion when it denied the introduction of the U Visa as evidence.

The judgment was affirmed.

NOTES

The decision did not discuss or point out how the defendant knew the victim had applied for a U visa. The decision held that the exclusion of u visa evidence was constitutional and within court's discretion. However, VAWA confidentiality is not discussed or presented as an argument before the court.

³ People v. AlvarezAlvarez, No. G047701, 2014 WL 1813302, at 5 (Cal. Ct. App. May 7, 2014), review denied (July 16, 2014).