

James v. State (1978)

In a criminal trial, the defendant attempted to depose the victims and investigating officers. The defendant alleged that depositions were necessary because the individuals were refusing to cooperate with the defendant's investigators, were out of the state and would not return until after trial, or could not be located because the prosecution would not provide their whereabouts. The trial court denied the request and the defendant was subsequently convicted.

On appeal, the court determined that depositions could be available to a criminal defendant where "good reason" exists. The court also stated that what constitutes good reason is generally within the discretion of the trial judge and that a mere inability to obtain the cooperation of adverse witnesses, standing alone, did not demonstrate an abuse of that discretion. Additionally, the court stated that even if good reason for taking a deposition had been shown, it would still be necessary for the defendant to show that the court's denial of the motion caused actual prejudice to the defense. Holding that no evidence of harm had been presented, the court rejected the appeal.