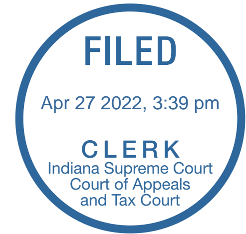

IN THE

Indiana Supreme Court

Supreme Court Case No. 21S-CR-373

Juventino V. Ramirez,
Appellant

–v–

State of Indiana,
Appellee

Argued: October 21, 2021 | Decided: April 27, 2022

Appeal from the Allen Superior Court
No. 02D05-1910-F4-103
The Honorable Frances C. Gull, Judge

On Petition to Transfer from the Indiana Court of Appeals
No. 20A-CR-1982

Opinion by Chief Justice Rush

Justices David, Massa, Slaughter, and Goff concur.

Rush, Chief Justice.

Although no trial is ever perfect, it is axiomatic that defendants are entitled to a fair trial. Here, Ramirez's proceeding fell short of that mark. An impermissible local rule and an improperly issued protective order prevented his defense attorney—despite multiple attempts—from obtaining a copy of the alleged victim's interview. And when the State disclosed extensive new evidence the day before trial, the defense repeatedly requested a continuance—even as little as one day—to investigate the new allegations and reconstruct trial strategy. But those requests were denied without the balancing of interests our precedent requires. On this record, the errors relating to counsel's inability to receive a copy of the interview do not require reversal, but the denial of a continuance does. We therefore reverse and remand for a new trial.

Facts and Procedural History

Juventino Ramirez met Angelica Guzman at church and, in 2016, the couple married and moved into Ramirez's home. At the time, Angelica's six-year-old daughter, A.P., lived with her biological father. But a few months after the marriage, A.P. moved in with her mother and Ramirez.

In 2019, after returning from visiting her father, A.P. told Angelica that "she didn't want to come back." Though A.P. didn't explain why at the time, she later confided in her mother that Ramirez had touched her inappropriately in the past. So, Angelica took A.P. to a local nonprofit and reported her daughter's disclosure. During an approximately twenty-minute forensic interview, A.P. provided the following details: Ramirez had touched her vaginal area "over the clothes" with "a hand" several times when she was seven- and eight-years-old; he had told her not to tell her mother; he had recently apologized; and the touching had occurred at their home. The State subsequently charged Ramirez with one count of felony child molestation.

Over the next eight months, Ramirez's attorney and the Allen County Prosecutor's Office litigated an array of discovery issues, including the defense's repeated, unsuccessful requests for a copy of A.P.'s forensic

interview. The prosecutor initially informed Ramirez—through a letter imposing discovery conditions—that "any police reports, DVDs, CDs, witness lists, medical reports, etcetera, may not be copied, reproduced, nor provided to anyone, including the defendant." The defense rejected these conditions and responded that it would "proceed with discovery as set forth under applicable case law and rules of trial procedure."

And so, Ramirez's counsel requested from the State "copies of any and all . . . video or DVD recordings" it relied upon in bringing the charges as well as copies of any exhibits it planned to introduce at trial. The prosecutor declined to provide a copy of the interview, relying on Allen County Local Criminal Rule 13 ("Local Rule"), which requires defense counsel to apply to the trial court "to obtain copies of audio or videotape" and "state in specific terms the necessity for such copies." Allen LR02-TR26-1(B)(1).

Believing the Local Rule was contrary to the Indiana Rules of Trial Procedure, Ramirez's counsel filed two motions with the court to compel discovery and sent letters to the prosecutor's office seeking a time to come pick it up. In response to one of those letters, the prosecutor informed Ramirez's attorney that he could view the interview "with your client, at our office, during normal business hours," but refused, "under any circumstances," to provide him a copy.

At a subsequent hearing on the motions to compel, Ramirez's counsel explained to the trial court that it "is extremely burdensome . . . to have to keep running down to the prosecutor's office to look at [the] interview." He suggested a reasonable remedy would be for the court to issue a protective order for the recording, mandating that it would stay in his law office and not be given out. The State, relying on the Local Rule, insisted that Ramirez was not "entitled to a copy" and that he needed to come "by appointment" to view the video. The trial court agreed with the State and issued a protective order prohibiting Ramirez from obtaining a copy.

In May, two months before trial, the State disclosed that it planned to use the video at trial. Ramirez again moved to compel the State to produce a copy, claiming it "is ineffective to have a trial exhibit [] remain at the prosecutor's office where trial counsel cannot have access to the exhibit for

purposes of trial preparation." The court again denied Ramirez's motion, noting that the State had provided discovery consistent with the Local Rule.

Then, the day before Ramirez's jury trial, the prosecutor delved "into the facts of the case" with Angelica and A.P. for the first time. After their conversation, the prosecutor sent the defense an email detailing the discussions which included several new allegations. A.P. now alleged that Ramirez had touched her "under the clothes" with both "hands." And Angelica now alleged that, before reporting it, she sought counsel from her pastor and church leaders; Ramirez had pressured her to persuade A.P. to lie at trial; Ramirez had promised Angelica houses, cars, and money if she dropped the charges; Ramirez had said that A.P. cried one of the times that he touched her, causing him to stop; and Ramirez had told his pastor that he touched A.P. Within four hours of receiving this new information, Ramirez filed a motion that, in part, requested the court grant a continuance because the new allegations materially changed his theory of defense and counsel needed time to complete additional discovery.

The next morning, before questioning prospective jurors, the trial court heard argument on Ramirez's request. Counsel repeatedly indicated that he needed additional time to effectively prepare a defense against the new allegations. The State objected, asserting "we've presented all of the facts as we know them." In denying Ramirez's request, the trial court stated, "A motion to continue day of trial filing is not timely and I don't see a reason to continue the trial." When the defense asked for an explanation, the court—three more times—simply responded that the motion was "not timely."

With the continuance denied, Ramirez's counsel again requested a copy of the forensic interview so he could redact inadmissible evidence and "get it ready" to use as an exhibit. The State objected, reminding the court it had "already ruled on the forensic interview," and claiming it no longer intended to use the recording during trial "unless the evidence goes in a direction that requires us to." But, the State offered, if Ramirez needed the video, it would "redact the portions that [counsel] is referring to and provide those." Over Ramirez's emphatic objections, the trial court found the State's solution amenable. Ramirez then requested a one-day continuance so that the defense could "work with this DVD and [] question

each of these witnesses." The court responded, "We cannot begin tomorrow. . . . You'll have overnight, you'll have the lunch hour. If we get done sooner, you'll have all that time."

During the two-day trial that followed, the defense twice renewed its request for a continuance, yet again to no avail. The jury ultimately found Ramirez guilty, and the court sentenced him to six years executed. Ramirez raised multiple issues on appeal, and our Court of Appeals affirmed in a memorandum decision. *Ramirez v. State*, 20A-CR-1982, 2021 WL 1805821, at *1 (Ind. Ct. App. May 6, 2021). He then sought transfer, which we granted, vacating the Court of Appeals opinion. Ind. Appellate Rule 58(A).

Discussion and Decision

Though criminal defendants are not entitled to a perfect proceeding, they are entitled to a fair one. *Durden v. State*, 99 N.E.3d 645, 651 (Ind. 2018) (citing *Delaware v. Van Arsdall*, 475 U.S. 673, 681 (1986)). A fair proceeding must afford defense attorneys both the ability to obtain discoverable evidence and an adequate amount of time to prepare an effective defense. *See* *Howard v. State*, 122 N.E.3d 1007, 1014 (Ind. Ct. App. 2019), *trans. denied*; *see also* *Beville v. State*, 71 N.E.3d 13, 22–24 (Ind. 2017); *Whitaker v. Becker*, 960 N.E.2d 111, 115 (Ind. 2012). And, ultimately, the determination of "what may be useful to the defense can properly and effectively be made only by an advocate." *Dennis v. United States*, 384 U.S. 855, 875 (1966).

Ramirez claims he was denied a fair proceeding because of his attorney's inability to obtain a copy of A.P.'s forensic interview during discovery and his unsuccessful request for a continuance. As for not receiving a copy of the interview, Ramirez maintains that the Local Rule, on which the trial court relied in denying his motions to compel, is void because it conflicts with the Indiana Rules of Trial Procedure. And he also asserts that the court erred in granting the State's motion for a protective order for the video because the State did not establish that the order was necessary. As for the trial court's denial of his continuance request, Ramirez maintains that he suffered prejudice because the court did not properly weigh and evaluate his need for additional time to defend against the new accusations.

We hold that Ramirez was denied a fair proceeding. The Local Rule is void because it imposes requirements not found in our trial rules for obtaining otherwise discoverable evidence. And the record is devoid of any specific reason to support the court's issuance of a protective order for the video. Although we ultimately find that neither basis requires reversal, we conclude that the trial court's denial of Ramirez's motion for continuance does.[1] The court abused its discretion because there is no evidence it engaged in the appropriate balancing of interests when it denied the request, and Ramirez made specific showings as to why additional time was necessary and how it would have benefitted the defense. We therefore reverse Ramirez's conviction and remand for a new trial.

I. The trial court erred in prohibiting Ramirez from obtaining a copy of A.P.'s forensic interview before trial.

Because our trial courts have broad discretion on discovery issues, we review their discovery rulings only for an abuse of that discretion. *State v. Jones*, 169 N.E.3d 397, 402 (Ind. 2021). Ramirez challenges the trial court's discovery rulings that barred him from receiving a copy of A.P.'s forensic interview: specifically, the court's reliance on the Local Rule and its issuance of a protective order. We address each in turn.

A. The Local Rule conflicts with certain Indiana Trial Rules by attaching conditions to their application.

Our trial courts are authorized to establish local rules for their own governance. Ind. Trial Rule 81(A); Ind. Code § 34-8-1-4. These rules are generally procedural in nature and "are intended to standardize the practice within that court, to facilitate the effective flow of information, and to enable the court to rule on the merits of the case." *Meredith v. State*, 679

[1] Given our resolution, we need not address the other issues Ramirez raises on appeal.

N.E.2d 1309, 1310 (Ind. 1997). Importantly, local rules must supplement, not conflict with, the Indiana Trial Rules. T.R. 81(A); *S.T. v. State*, 764 N.E.2d 632, 635 (Ind. 2002). When there is a conflict, the local rule is "without force and effect." *Spudich v. N. Ind. Pub. Serv. Co.*, 745 N.E.2d 281, 286 (Ind. Ct. App. 2001), *trans. denied*.

One way a conflict arises is if a local rule attaches a condition to a trial rule. For example, in *Lies v. Ortho Pharmaceutical Corp.*, we considered a challenge to a local rule that required counsel to remind a judge to decide a certain motion five days before the applicable trial rule's deadline. 259 Ind. 192, 286 N.E.2d 170, 172–73 (1972). While we acknowledged that "[c]ourtesy and discretion may dictate that counsel remind the judge that the time is about to expire," we emphasized that our trial rules contained no such requirement. *Id.* at 173. We therefore struck down the local rule because it created "an impingement" on the relevant trial rule by purporting "to attach a condition to its application." *Id.*; *see also* *In re Marriage of Murray*, 460 N.E.2d 1023, 1027 (Ind. Ct. App. 1984) (striking down a local rule that attached a condition on Rule 12(B) motions).

Here, just as in *Lies*, the Local Rule impinges on the Indiana Trial Rules by attaching conditions to their application. The Local Rule provides in relevant part:

> The State shall provide legible copies of existing written statements . . . . Other items shall be provided for examination, testing, copying, photographing, or other proper use either by agreement or at specified reasonable times and places. Defense counsel shall provide reasonable notice of such examination and shall schedule these examinations in cooperation with the State. **An application to the court shall be made to obtain copies of audio or videotape. Said application shall state in specific terms the necessity for such copies**.

Allen LR02-TR26-1(B)(1) (emphasis added). So, under this rule, to obtain a copy of relevant, nonprivileged video evidence in the prosecutor's possession, defense counsel must submit an application to the trial court and state a specific need for the copy.

The Local Rule impermissibly attaches conditions to our trial rules in three ways. First, under our trial rules—which are meant to allow liberal discovery, *Beville*, 71 N.E.3d at 18—determining whether nonprivileged evidence is discoverable is a question of relevance, T.R. 26(B)(1), not relevance **plus** necessity. Second, our trial rules—which are also intended to allow for minimal trial court involvement, *Whitaker*, 960 N.E.2d at 115—do not require any party to apply to the court to receive a copy of otherwise discoverable evidence. Rather, as Trial Rule 34 provides, "Any party may serve on any other party a request . . . to inspect and copy" relevant, nonprivileged evidence. T.R. 34(A). And finally, our trial rules do not require the requesting party to state a specific need for copies. Instead, the requesting party need only describe the item "with reasonable particularity" and "specify a reasonable time, place, and manner" for copying the item. T.R. 34(B). By attaching these conditions, the Local Rule impermissibly conflicts.

Yet, the State maintains there is no conflict because both the Local Rule and the Indiana Trial Rules "require a party to request a copy of discovery" and "the trial court makes the final decision whether providing a copy is appropriate." To be sure, these similarities exist. *Compare* Allen LR02-TR26-1, *with* T.R. 26(B)(1), 26(C), 34(B). But the relevant question isn't who makes the request or whether the trial court is authorized to limit discovery. Instead, the question is whether a local rule can attach conditions not required by our trial rules on a defendant's ability to obtain a copy of otherwise discoverable evidence. It cannot, and thus, the Local Rule is without force and effect. So, as a matter of law, this rule cannot support the trial court's denials of Ramirez's motions to compel. But whether the court erred when it prohibited Ramirez from obtaining a copy of the video by issuing a protective order is a separate inquiry.

B. The protective order for the forensic interview is unsupported by requisite facts.

When a trial court denies a motion to compel discovery, the court is authorized to issue a "protective order as it would have been empowered to make on a motion made pursuant to Rule 26(C)." T.R. 37(A)(2). Rule 26(C)

instructs that the court, "for good cause shown," can issue a protective order "which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." T.R. 26(C). This standard requires a "particular and specific demonstration of fact in support." *Ledden v. Kuzma*, 858 N.E.2d 186, 192 (Ind. Ct. App. 2006).

Here, the court granted the State's request for a protective order for A.P.'s forensic interview without the requisite factual support. The State identified three reasons in its request: the interview involved a child discussing sexual acts by an adult; the identity of child victims of sex crimes should be kept confidential; and the prosecutor's office had "a copy of at least one interview" posted to social media in a different case. The first two reasons, while important, would apply in any molestation case in which the child victim is interviewed. And the third reason, while specific to the Allen County Prosecutor's Office, is not related to A.P.'s interview, Ramirez, or his counsel. Nevertheless, to accommodate these concerns, Ramirez's counsel proposed a compromise: a protective order mandating that the copy would stay in his law offices. Yet, without providing any reasons for its decision, the trial court granted the State's request and issued an order "prohibiting the Defendant or counsel from obtaining a copy" of the interview. But because the record is devoid of any particular or specific factual support, the court was not empowered to issue that order.

All in all, we conclude that the trial court's pretrial decisions prohibiting Ramirez from obtaining a copy of the recording were erroneous. Yet, reversal for these errors is required only if refusal to take such action is "inconsistent with substantial justice." T.R. 61. Though Ramirez never received a copy, he had over seven months to view the video at the prosecutor's office—and did so. On this record, we cannot say Ramirez's inability to receive a physical copy is "inconsistent with substantial justice." *See id.* Reversal is therefore not required on this basis. Ramirez, however, asserts a second basis for reversal: the trial court's denial of his motion for continuance.

II. The trial court abused its discretion by denying Ramirez's continuance request.

Ramirez claims the trial court committed reversible error by denying his motion to continue, which he filed to have more time to investigate new allegations disclosed the day before trial. When, as here, a defendant moves for a continuance not required by statute, we review the court's decision to deny the request for an abuse of discretion. *Flowers v. State*, 654 N.E.2d 1124, 1125 (Ind. 1995). In this context, whether the court abused its discretion is potentially a two-step inquiry. *See, e.g.*, *Vaughn v. State*, 590 N.E.2d 134, 135–36 (Ind. 1992); *Vance v. State*, 640 N.E.2d 51, 55–56 (Ind. 1994); *Troutman v. State*, 730 N.E.2d 149, 153 (Ind. 2000).

We first determine whether the trial court "properly evaluated and compared" the parties' "diverse interests" that would be impacted "by altering the schedule." *Vaughn*, 590 N.E.2d at 135–36. If not, we assess whether the court's denial resulted in prejudice. *Id.* at 136; *see also* *Gibson v. State*, 43 N.E.3d 231, 236 (Ind. 2015) (stating that we will find an abuse of discretion only if the "defendant was prejudiced as a result of not getting a continuance"). A defendant can establish prejudice by making specific showings as to why additional time was necessary and how it would have benefitted the defense. *See* *Carter v. State*, 686 N.E.2d 1254, 1261 (Ind. 1997) (citing *Clark v. State*, 539 N.E.2d 9, 11 (Ind. 1989)).

Before applying this framework here, we first find instructive two decisions in which we reversed and remanded for a new trial because of a trial court's denial of a defendant's continuance request.

In *Vaughn*, the defendant moved for a continuance on the morning of trial so that his sister, who was in labor at the time, could testify in person. 590 N.E.2d at 135. She was his only witness and had testified on his behalf in the first trial, which resulted in a mistrial. *Id.* The trial court denied the motion but played audio of the sister's testimony from the first trial. *Id.* The jury found the defendant guilty as charged. *Id.* We reversed for three reasons. First, the defendant's reasons for a continuance "clearly predominate[d] over" the State's reasons in opposition. *Id.* at 136. Second, moving the trial would not have burdened the court: at the time of the request, "prospective

jurors had not yet been questioned," and the sister's absence was unlikely to "result in an unduly lengthy or indefinite delay." *Id.* And third, it was of "crucial importance" to the defense that the sister be able to testify in person. *Id.*

We made similar observations in reaching the same conclusion in *Flowers*, 654 N.E.2d at 1124. There, the defendant's DNA expert unexpectedly withdrew from the case during trial, and the court denied a request for a one-day continuance "to find a replacement." *Id.* at 1125. The trial proceeded, and the jury found the defendant guilty. *Id.* We reversed, finding "nothing in the record indicating that the appropriate balancing was done." *Id.* Further, there was no evidence a short delay would burden the State, and it was "obvious" that a continuance would satisfy "important interests of the defense." *Id.*

We acknowledge that Ramirez did not move for a continuance due to the absence of a particular witness as in *Vaughn* and *Flowers*, but our reasoning in those decisions compels the same result here. Nothing in the record indicates that the trial court engaged in the requisite balancing of interests. And because Ramirez made specific showings on why he needed additional time and how it would have benefitted his defense, he has established prejudice.

A. There is no evidence the trial court balanced the diverse interests of the parties when it denied Ramirez's continuance request.

Recall that less than twenty-four hours before trial, the prosecutor—for the first time—spoke with A.P. and Angelica in detail about "the facts of the case." That conversation unearthed new allegations against Ramirez, including that he had touched A.P. under the clothes with both hands, he had bribed Angelica to get A.P. to lie at trial, and he and Angelica had both disclosed the inappropriate conduct to their pastor. Within four hours of receiving this information, Ramirez's counsel filed a motion to strike, or, in the alternative, to continue the jury trial. Both in that motion and before the court the next morning, Ramirez explained why he needed additional time

and expounded upon those reasons. Ramirez claims the trial court did not engage in the requisite balancing of interests and thus erred by denying his request. We agree.

There is no evidence the trial court weighed Ramirez's reasons for a continuance. Counsel explained that the new allegations materially changed his theory of defense and that he needed to depose the witnesses identified in the email, investigate the allegations, identify potential defense witnesses, and determine whether the case could be settled by plea. Instead of addressing any of these reasons, the court simply remarked, "I don't see a reason to continue the trial." And it also told Ramirez's counsel—four times—that the motion was not timely, even though counsel moved for a continuance within hours of receiving the new allegations.

There is also no evidence that a continuance would have adversely impacted the State's interests. Its basis for objecting was "for the reason that we've presented all of the facts as we know them." But significant "facts" were learned and disclosed less than twenty-four hours earlier, following the prosecutor's first in-depth meeting with the victim and her mother. Moreover, the State clearly was open to moving trial, considering it requested its own continuance if the court granted Ramirez's motion to strike the new allegations from evidence.

And finally, there is no evidence that delaying trial would have burdened the court. When Ramirez requested the continuance, potential jurors had not yet been questioned, and thus, "[n]o investment in the courtroom jury selection process would be lost by granting the motion," *Vaughn*, 590 N.E.2d at 136. Ramirez's counsel was also willing to begin conducting the necessary discovery that day "and get as quick a trial date as we can." But there is no indication that the trial court consulted its calendar or considered a different date. *Cf. United States v. Williams*, 576 F.3d 385, 390 (7th Cir. 2009) (recognizing that "the failure to inquire how long the defense needs to prepare suggests that the district court unreasonably considered any delay unacceptable"). In fact, the court was unwilling to continue trial by even one day, stating, "We cannot begin tomorrow. The jury is here today." But "[t]hat sort of rigidity can only be characterized as arbitrary." *Id.* (quoting *Carlson v. Jess*, 526 F.3d 1018, 1026 (7th Cir. 2008)).

Simply put, just as in *Vaughn* and *Flowers*, there is no evidence that the trial court made any effort to evaluate and compare the parties' competing interests when it denied Ramirez's request for a continuance. So, we next consider whether Ramirez has established prejudice from the denial.

B. Ramirez has established prejudice resulting from the court's denial of his continuance request.

Ramirez offered compelling reasons showing why he needed additional time, and he also demonstrated how that time would have benefited the defense. Specifically, because of the new allegations, the theory of defense was significantly impaired, and counsel needed time to depose Angelica and A.P., interview the newly identified witnesses, and conduct further investigation.

A.P.'s and Angelica's statements materially changed the theory of defense—that Ramirez accidently touched A.P. Previously, A.P. disclosed that Ramirez inappropriately touched her "over the clothing" with "one hand." It is well settled that mere touching alone is insufficient to constitute child molesting. *See, e.g.*, *Bowles v. State*, 737 N.E.2d 1150, 1152 (Ind. 2000). The State must also "prove beyond a reasonable doubt that the act of touching was accompanied by the specific intent to arouse or satisfy sexual desires," which can be inferred from the defendant's conduct. *Id.* Aside from A.P.'s initial disclosure, the only evidence from which to infer Ramirez's intent was Angelica's and A.P.'s statements that Ramirez had told A.P. not to tell Angelica, that he had admitted to Angelica he had touched A.P., and that he had apologized after the conduct was reported to police. Ramirez, however, claimed he accidently touched A.P. when he was "halfway asleep," and he apologized because A.P. "had the wrong idea of something." So, Ramirez's planned defense was that the State could not prove beyond a reasonable doubt that any touching was accompanied by the requisite sexual intent.

This defense was vitiated by the day-before-trial accusations. A.P.'s new allegation—that Ramirez had touched her "under the clothes" with both "hands"—is far more indicative of an intent to arouse or satisfy sexual desires. And Angelica provided considerable new evidence from which to

infer Ramirez's intent. She alleged Ramirez had told her that A.P. cried after he touched her, he had pressured her to drop the charges, and he had tried to get A.P. "to lie and say that this never happened." Absent these new allegations, Ramirez had a markedly stronger argument that the State could not prove he touched A.P. with sexual intent. But with the new allegations, Ramirez's counsel aptly summed up the situation: "If we don't get a continuance and check into these things and credibility, we're going to prison."

Ramirez's counsel also offered several practical reasons why he needed time to conduct further discovery. For example, he understandably wanted to depose A.P. and Angelica about their new statements. It's true that counsel had an opportunity to speak with them in the late afternoon and evening on the first day of trial and decided not to. But as he explained the following morning, "Without having the opportunity for a continuance to talk to them and follow up with whatever they may say, there's just no value in talking with them, because we can't do anything to corroborate or not." Moreover, counsel also needed that time for final trial preparation.

Further, because the new accusations included statements to previously unidentified individuals, Ramirez's attorney understandably wanted to interview these people. Angelica revealed that, after A.P.'s disclosure, she had "sought counsel from her pastor and church leaders," and that Ramirez had "told the pastor" he had touched A.P. It is reasonable that counsel—to prepare an effective defense—would want to speak with those people. A.P. and Angelica also recited statements allegedly from Ramirez, to which the State asserts that "additional time . . . to investigate his own statements . . . was unnecessary." But this assertion assumes the statements' veracity, which Ramirez has denied. So, it is also reasonable that counsel would want to investigate and locate potential evidence or witnesses to corroborate or refute the statements. Ramirez's attorney also explained that he needed time to both reexamine the forensic interview and potentially discuss plea negotiations. Simply put, it is unrealistic to expect the defense, within a few hours, to investigate the new allegations, evaluate the evidence, adapt trial strategy, and complete final preparations. *Cf. Williams*, 576 F.3d at 389 (observing that to expect the defense, within four days, to meaningfully

investigate new evidence "misunderstands both the reality of trial and defense attorneys' resources").

In sum, Ramirez's counsel offered specific, compelling reasons why he needed additional time to provide an effective defense, and he indicated how that time would have benefitted the defense. And so, just as in *Vaughn* and *Flowers*, Ramirez has established prejudice from the court's denial of his motion for continuance.

Conclusion

Though the trial court ultimately erred in its pretrial decisions that prohibited Ramirez from receiving a copy of A.P.'s forensic interview, those errors do not require reversal. However, because the court abused its discretion when it denied Ramirez's continuance request, we reverse and remand for a new trial.

David, Massa, Slaughter, and Goff, JJ., concur.

ATTORNEY FOR APPELLANT
Stacy R. Uliana
Bargersville, Indiana

ATTORNEYS FOR APPELLEE
Theodore E. Rokita
Attorney General of Indiana

Jodi K. Stein
Supervising Deputy Attorney General

Caroline G. Templeton
Deputy Attorney General
Indianapolis, Indiana