

# Supreme Court Calls for a Response to Wiley Petition in Confrontation Clause Case

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January 21, 2026

Wiley has filed a petition for a writ of certiorari in *Johns v. Georgia*, asking the U.S. Supreme Court to review a decision of the Georgia Supreme Court in a Confrontation Clause case. Georgia waived responding to the petition; however, on January 6, 2026, the Court called for a response. This case has significant implications for criminal matters involving surrogate expert testimony and Sixth Amendment law.

The petition stems from a criminal prosecution in which the Petitioner was convicted of murder. At trial, the state did not present the medical examiner who performed the autopsy on the victim as a witness but instead called another expert who testified about the results of the autopsy. The petition argues that the process of using a surrogate expert to testify about the results of tests, examinations, and other scientific evidence about which the expert has no personal knowledge violates the Confrontation Clause by depriving criminal defendants of the right to cross-examine the witnesses against them. In this case, the petition argues, permitting the surrogate expert witness to testify deprived the Petitioner of his Confrontation Clause right to cross-examine the medical examiner who conducted the autopsy. Such cross-examination is essential to afford a criminal defendant an opportunity to test whether an expert made mistakes or even committed fraud in performing the autopsy or other scientific tests.

The petition argues that this case presents a good vehicle for the Court to resolve a split among the lower courts concerning the use of surrogate expert testimony and to clarify how the Confrontation Clause applies in the context of surrogate testimony.

## Related Professionals

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## Practice Areas

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Issues and Appeals  
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Read the petition [here](#).

The Petitioner is represented, on a pro bono basis, by Wiley partner Richard A. Simpson and associate Myron Zhang. The Wiley team worked with the Supreme Court Program at the University of North Carolina (UNC) School of Law and co-counsel, including Interim Dean F. Andrew Hessick and Elizabeth G. Simpson at UNC, and Greg Willis of the Willis Law Firm in Georgia. UNC Law students Robert Fensom and Alexandra Ellis Rivenbark participated in drafting the petition.