

District of Columbia Court of Appeals – March 2006

McCoy v. US, No. 03-CF-722 (DC 2/23/06, publ. 3/2/06): The DCCA made several MINOR corrections or amendments to its original opinion (published 1/12/06).

Marquez v. US, No. 03-CM-1541 (DC 1/11/06 MOJ, publ. 3/2/06): The DCCA held, applying plain error review, that the trial court did not commit reversible error under Crawford when it admitted evidence that complainant had told the police as she flagged them down that her boyfriend (defendant) would "kick her ass."

Richardson v. US, No. 01-CF-11 (DC 3/2/06): The DCCA affirmed denial of a mistrial and motion for a new trial, holding that "allegation[s] of juror bias and taint due to eye contact between two jurors and two defense witnesses" lacked merit.

Jones v. US, No. 03-CF-1440 (DC 3/2/06): The DCCA REVERSED one defendant's conviction, because the trial court did not expressly state during jury instructions that self-defense was a defense to aggravated assault (as well as an offense of which he was acquitted). It affirmed the codefendant's convictions (for felony threats and ADW), despite claims of insufficient evidence and perjury.

Sykes v. US, No. 97-CF-1898 (DC 3/9/06): The DCCA REVERSED defendant's murder and related convictions because the government's belated disclosure of Brady material (two days before trial) made it impossible for anyone to find and retain two potential defense witnesses who could have impeached an informant and had given exculpatory testimony before the grand jury one year earlier. N.B. the trial judge was Reggie Walton.

Bonilla v. US, No. 03-CF-879 (DC 3/9/06): The DCCA affirmed defendant's conviction for armed robbery, despite his contention that the jury instruction on the theory of defense should have included reference to a "fight," though there was no evidence of a fight.

Hartridge v. US, No. 97-CF-1867 (DC 3/23/06): The DCCA affirmed defendants' convictions despite a plethora of challenges in a 54-page opinion which concluded, inter alia, that "other crimes" evidence was properly admitted; prosecutorial argument was OK; CPWOL convictions did not violate Second Amendment; and a defendant's speedy trial rights were not violated. In the alternative, some errors may have been harmless. This opinion needs to be read in full (including by me). Sorry, Richard!

Graham v. US, No. 02-CO-1050 (DC 1/30/06; MOJ publ. 3/23/06): DCCA affirmed the trial court's characterization of defendant's habeas corpus petition as 23-110 motion, then affirmed trial court's denial of the 23-110 because its principal argument had been made & rejected on direct appeal.

Brisbon v. US, No. 03-CF-318 (DC 3/23/06): DCCA REVERSED & remanded for new trial because testimony of defense witness(es), relating defendant's excited utterance(s), was erroneously excluded & error was not harmless. (Note that defendant testified at trial, so this was a straight excited utterance case with no mention of Crawford or Stancil.) (Note also that PDS represented appellant. Is this a trend?!)