

SUPREME COURT OF DELAWARE

Barnett v. State

893 A.2d 556 (Del. 2006) · Decided February 9, 2006

SUMMARY

The Delaware Supreme Court held that the Superior Court abused its discretion by admitting uncharged sexual-offense evidence during the State’s case-in-chief to prove intent under D.R.E. 404(b), where the defendant’s identity, mistake, and accident were not disputed and the defense was that no sexual contact occurred. The court concluded that the error was not harmless beyond a reasonable doubt because of the substantial danger of unfair prejudice and the closeness of the evidence. The judgment was reversed and the case remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Ridgely, Justice; Berger; Holland; Jacobs; Ridgely; Steele
JURISDICTION	Delaware
DECIDED	February 9, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Barnett appealed his Superior Court jury convictions and sentence, challenging the admission of uncharged sexual-offense evidence under D.R.E. 404(b) and the denial of a mistrial based on alleged juror misconduct.
STANDARD OF REVIEW	Admission of other-crimes evidence under D.R.E. 404(b) is reviewed for abuse of discretion. The court also applied the constitutional harmless-error standard, asking whether the error was harmless beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Vincent Barnett v. State

TOPICS

- evidence
- criminal procedure
- harmless error
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by admitting evidence of multiple uncharged sexual offenses under D.R.E. 404(b) to prove intent when identity, mistake, accident, and whether any sexual contact occurred were not genuinely disputed.
2. Whether the admission of the uncharged-act evidence was harmless beyond a reasonable doubt.

HOLDINGS

1. When the State presents direct evidence that the charged sexual attack occurred and the defense is that no sexual contact occurred, the defendant's not-guilty plea does not create a predicate intent issue sufficient to justify introducing other crimes evidence during the State's case-in-chief. Admission of the uncharged sexual offenses therefore constituted an abuse of discretion.
2. The erroneous admission of the uncharged sexual-offense evidence was not harmless beyond a reasonable doubt because of the substantial danger of unfair prejudice and the closeness of the evidence.

KEY QUOTATIONS

"Thus where, as here, the State presents direct evidence, through the testimony of the alleged victim, that an attack occurred, no evidential purpose is served by proof that the defendant committed other criminal acts of the same type." (558)

"While the defendant's plea of not guilty required the State to prove an intentional state of mind as an element of the offense, the plea itself did not present a predicate issue concerning intent sufficient to justify the State in attempting to negate lack of intent as part of its case-in-chief." (558)

"Given the substantial danger of unfair prejudice and the closeness of the evidence in this case, we cannot say that the error in admitting the other crimes evidence was harmless beyond a reasonable doubt." (559)

FACTUAL BACKGROUND

Barnett was charged with multiple sexual offenses against the teenage daughter of his former girlfriend, involving conduct over two charged time periods. The alleged victim testified directly about each charged offense and, during the State's case-in-chief, about numerous additional uncharged sexual acts, including three uncharged Class A felonies. Barnett denied that the sexual contacts occurred, and five defense witnesses contradicted the alleged victim in various respects. The trial court admitted the uncharged-act evidence to prove intent and gave the jury a limiting instruction.

PROCEDURAL HISTORY

Barnett was convicted in the Superior Court of Delaware of multiple rape and unlawful-sexual-contact offenses and received a forty-year sentence, suspended after thirty years minimum mandatory for decreasing levels of probation. Before trial, the Superior Court ordered the State to select one act for each charge, but it nevertheless permitted the State to introduce additional uncharged sexual acts during its case-in-chief to prove intent. The

Supreme Court of Delaware held that admission of the uncharged-acts evidence was reversible error, did not reach the juror-misconduct issue, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the Superior Court for a new trial consistent with the opinion.

CASES CITED

- Getz v. State, 538 A.2d 726 (Del. 1988)
- Milligan v. State, 761 A.2d 6 (Del. 2000)
- Joynes v. State, 797 A.2d 673 (Del. 2002)
- Kendall v. State, 726 A.2d 1191 (Del. 1999)
- Vanderhoff v. State, 684 A.2d 1232 (Del. 1996)
- Patterson v. State, 1987 WL 36205 (Del. 1987)
- Van Arsdall v. State, 524 A.2d 3, 11 (Del. 1987)
- Chapman v. California, 386 U.S. 18, 24, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)