

DISTRICT OF COLUMBIA COURT OF APPEALS

In re M.W.

In re M.W. · No. 23-FS-0588 · Decided May 7, 2026

SUMMARY

The District of Columbia Court of Appeals affirmed a Superior Court judgment finding juvenile appellant M.W. responsible for attempted murder and related offenses. The court held that statements by an eyewitness to police officers were properly excluded because M.W. did not establish the requirements for admission as present-sense impressions or excited utterances, including spontaneity and the declarant’s state of nervous excitement. The court also upheld the trial court’s evidentiary rulings on remand.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	McLeese, Associate Judge; Deahl, Associate Judge; Shanker, Associate Judge
JURISDICTION	District of Columbia Court of Appeals
DECIDED	May 7, 2026
DOCKET	23-FS-0588
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.W., a juvenile, appealed a Superior Court judgment finding him responsible for attempted murder and related offenses, challenging the exclusion of two hearsay statements under the present-sense-impression and excited-utterance exceptions.
STANDARD OF REVIEW	Abuse of discretion for rulings on admissibility under the present-sense-impression and excited-utterance exceptions; factual determinations are reviewed for clear error, legal determinations de novo, and application of law to facts with deference.
PRECEDENTIAL VALUE	Published; precedential subject to formal revision.
PARTIES	M.W. v. District of Columbia

TOPICS

- hearsay
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

Evidence

Appellate procedure

Juvenile delinquency

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding Arrington Archie's statement to Officer Freeman as a present sense impression.
2. Whether the trial court abused its discretion by excluding Archie's statement to Officer Gramieri as a present sense impression.
3. Whether the trial court abused its discretion by excluding Archie's statements to Officers Freeman and Gramieri as excited utterances.

HOLDINGS

1. The trial court did not abuse its discretion in excluding the statement because M.W. failed to establish, by a preponderance of the evidence, that the statement was truly spontaneous in addition to being contemporaneous and based on personal perception.
2. The trial court did not err in excluding the statement as a present sense impression.
3. The trial court acted within its discretion in excluding both statements as excited utterances because M.W. failed to establish the declarant's nervous excitement or physical shock and other circumstances demonstrating spontaneity and sincerity.

KEY QUOTATIONS

"We hold that the trial court did not abuse its discretion in excluding the statements at issue in this case."
(10)

"We hold that the trial court acted within its discretion in declining to admit Mr. Archie's statement to Officer Freeman as a present sense impression given the passage of time between the shooting and the statement and the absence of any other information shedding light on whether Mr. Archie's statement was spontaneous."
(13-14)

"At no point has M.W. concretely explained what he hoped to proffer at trial but was unable to present that would have meaningfully supported a conclusion that Mr. Archie's statement was admissible as an excited utterance." (19)

FACTUAL BACKGROUND

M.W. was a passenger in his mother's Jeep during an argument with Nira Monk and Bernard Boyd in a store parking lot. Shortly after the vehicles left, shots were fired and shell casings were found near the parking-lot exit; the District's evidence was that M.W. shot at Monk's car from the Jeep. The defense sought to introduce statements by Arrington Archie, an uninvolved eyewitness who allegedly saw a black car shooting, but the trial court excluded the statements because the record did not establish sufficient contemporaneity, spontaneity, or the declarant's excited state.

PROCEDURAL HISTORY

The Superior Court of the District of Columbia excluded statements by a third-party eyewitness to Officers Freeman and Gramieri, ruling that the statements were not admissible as present sense impressions or excited utterances. After oral argument, the Court of Appeals remanded the record for further explanation concerning the statement to Officer Freeman as a present sense impression, received supplemental briefing, and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Jones v. United States, 17 A.3d 628, 632 (D.C. 2011)
- Sims v. United States, 213 A.3d 1260, 1266-67 (D.C. 2019)
- Mayhand v. United States, 127 A.3d 1198, 1205-09 & n.13 (D.C. 2015)
- Hallums v. United States, 841 A.2d 1270, 1276-77 (D.C. 2004)
- United States v. Boyce, 742 F.3d 792, 797-98 (7th Cir. 2014)
- State v. Dessinger, 958 N.W.2d 590, 601 (Iowa 2021)
- Smith v. United States, 26 A.3d 248, 260 (D.C. 2011)
- Workman v. United States, 255 A.3d 971, 978 (D.C. 2021)
- Gabramadhin v. United States, 137 A.3d 178, 183-84 (D.C. 2016)