

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Darnell Carlton Bouie

235 W. Va. 709 (2015) · No. No. 14-0639 · Decided June 16, 2015

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Darnell Carlton Bouie’s convictions for felony murder and conspiracy to commit burglary. The court held that statements Bouie made to a police officer were not obtained in violation of his Sixth or Fifth Amendment rights, that a co-defendant’s non-testimonial statements were properly admitted under the hearsay exception for statements against penal interest, and that recorded jail telephone statements were admissible under West Virginia law. The court also rejected Bouie’s challenges to the sufficiency and admissibility of the evidence.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Benjamin; Justice Davis
JURISDICTION	West Virginia
DECIDED	June 16, 2015
DOCKET	No. 14-0639
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bouie appealed his jury convictions for felony murder and conspiracy to commit burglary, challenging the admission of inculpatory statements, testimony concerning a co-conspirator's statements, recorded jail telephone calls, exemplar shoes and related lay opinion testimony, and the sufficiency of the evidence.
STANDARD OF REVIEW	The voluntariness of a confession and the application of the governing legal standard are reviewed de novo; evidentiary rulings, including those affecting constitutional rights, are reviewed for abuse of discretion; statutory interpretation is reviewed de novo; and sufficiency of the evidence is reviewed by viewing the evidence in the light most favorable to the prosecution and asking whether any rational trier of fact could find guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published; precedential

PARTIES

Darnell Carlton Bouie v. State of West Virginia

TOPICS

criminal procedure

sixth amendment

miranda rights

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QUESTIONS PRESENTED

1. Whether Bouie's statements to Sergeant Cox were obtained in violation of the Sixth Amendment right to counsel or the Fifth Amendment privilege against self-incrimination.
2. Whether Payne's statements to Aaron Carey were testimonial hearsay violating the Confrontation Clause or were otherwise inadmissible under West Virginia Rule of Evidence 804(b)(3).
3. Whether recorded statements Bouie made during jail telephone calls were inadmissible under West Virginia Code section 31-20-5e.
4. Whether the trial court abused its discretion by admitting exemplar shoes and Sergeant Cox's lay opinion testimony concerning their similarity to the shoes and footwear impressions associated with the crime.
5. Whether the evidence was sufficient to support Bouie's felony-murder and conspiracy convictions.

HOLDINGS

1. The issuance of an arrest warrant and extradition before arraignment did not initiate adversary judicial proceedings for Sixth Amendment purposes, and Bouie's counsel in an unrelated Pennsylvania proceeding did not attach to the West Virginia offenses.
2. Bouie's statements to Sergeant Cox were properly admitted because Bouie spontaneously initiated the conversation and was not subjected to custodial interrogation initiated by law enforcement.
3. Payne's statements to Carey were non-testimonial and therefore did not implicate the Confrontation Clause; they were admissible if they satisfied a firmly rooted hearsay exception.
4. The recorded jail telephone statements were properly admitted because Bouie had actual notice that the calls would be monitored and recorded.
5. The trial court did not abuse its discretion by admitting the exemplar shoes as demonstrative evidence or by permitting Sergeant Cox to testify concerning observed similarities in color, design, and sole pattern.
6. The evidence was sufficient for a rational trier of fact to find Bouie guilty beyond a reasonable doubt of felony murder and conspiracy to commit burglary.

KEY QUOTATIONS

"No view of the facts as presented here could support the notion that Sergeant Cox initiated the conversation that led Bouie to make the incriminating statements admitted against him at trial." (235 W. Va. 717)

“No objective witness in Payne’s position could have reasonably believed that he was making any statements for purposes of a trial.” (235 W. Va. 718)

“We are therefore convinced that any rational trier of fact could have found Bouie guilty beyond a reasonable doubt of both charges against him.” (235 W. Va. 723)

FACTUAL BACKGROUND

According to the prosecution's evidence, Bouie and Ennis Charles Payne went to Jayar Poindexter's apartment at approximately 3:15 a.m. to steal money and drugs. As Bouie and Payne approached a bedroom window, Payne shot Poindexter, killing him. The prosecution introduced Bouie's spontaneous statements to the investigating officer, recorded jail telephone calls, Payne's post-crime statements to Aaron Carey, footwear evidence, and testimony placing Bouie and Payne together at the scene. The jury convicted Bouie of felony murder and conspiracy to commit burglary.

PROCEDURAL HISTORY

A grand jury indicted Bouie and Payne on felony-murder and conspiracy-to-commit-burglary charges. The circuit court severed Bouie's trial from Payne's, admitted the challenged evidence, and a jury convicted Bouie on both counts. The Circuit Court of Harrison County sentenced him to life with mercy for felony murder and one to five years for conspiracy. The Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Farley, 192 W. Va. 247, 452 S.E.2d 50 (1994)
- State v. Marcum, 234 W. Va. 415, 765 S.E.2d 304 (2014)
- Chrystal R.M. v. Charlie A.L., 194 W. Va. 138, 459 S.E.2d 415 (1995)
- State v. Guthrie, 194 W. Va. 657, 461 S.E.2d 163 (1995)
- State v. Gravely, 171 W. Va. 428, 299 S.E.2d 375 (1982)
- State v. Mechling, 219 W. Va. 366, 633 S.E.2d 311 (2006)
- State v. Kaufman, 227 W. Va. 537, 711 S.E.2d 607 (2011)
- State v. Mason, 194 W. Va. 221, 460 S.E.2d 36 (1995)
- State v. Blevins, 231 W. Va. 135, 744 S.E.2d 245 (2013) (per curiam)
- State v. Bradshaw, 193 W. Va. 519, 457 S.E.2d 456 (1995)
- State v. McKinley, 234 W. Va. 143, 764 S.E.2d 303 (2014)
- State v. Stevens, 190 W. Va. 77, 436 S.E.2d 312 (1993)
- State v. Coles, 234 W. Va. 132, 763 S.E.2d 843 (2014)
- Barnett v. Norfolk, 149 W. Va. 246, 140 S.E.2d 466 (1965)
- Moran v. Burbine, 475 U.S. 412, 430 (1986)

- United States v. Alvarado, 440 F.3d 191, 200 (4th Cir. 2006)
- McNeil v. Wisconsin, 501 U.S. 171, 175 (1991)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Rhode Island v. Innis, 446 U.S. 291, 300-301 (1980)
- State v. Kilmer, 190 W. Va. 617, 439 S.E.2d 881 (1993)
- In re Anthony Ray Mc., 200 W. Va. 312, 489 S.E.2d 289 (1997)
- Williamson v. United States, 512 U.S. 594, 603, 605 (1994)
- Cox v. Galigher Motor Sales Co., 158 W. Va. 685, 213 S.E.2d 475 (1975)
- Torrence v. Kusminsky, 185 W. Va. 734, 408 S.E.2d 684 (1991)

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