

SUPREME COURT OF NEW JERSEY

State v. Harris, 181 N.J. 391

859 A.2d 364 (2004) · Decided October 19, 2004

SUMMARY

The Supreme Court of New Jersey reviewed Ambrose Harris's post-conviction-relief claims following his capital-murder conviction and death sentence. The Court held that the PCR court's biased and pejorative statements demonstrated a diminished sense of responsibility, rendering its findings and conclusions null and void. Rather than remanding, the Court exercised its original jurisdiction to review the record de novo.

CASE DETAILS

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| COURT                 | Supreme Court of New Jersey                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Justice LaVecchia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | New Jersey                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DECIDED               | October 19, 2004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Defendant appealed as of right from the denial of his petition for state post-conviction relief following his capital-murder conviction and death sentence. The Supreme Court reviewed the PCR court's findings and conclusions de novo after determining that the PCR court's biased and pejorative statements undermined the reliability of its adjudication.                                                                                                                                                                                                                                                                                                                                           |
| STANDARD OF REVIEW    | Legal conclusions are reviewed de novo; ordinarily, supported factual findings receive deference under the substantial-credible-evidence standard, and mixed questions receive deference as to supported factual findings but de novo review as to the application of legal rules. Here, because the PCR court's conduct undermined the reliability of its factual findings and the claims could be resolved from an objective documentary record without credibility determinations, the Supreme Court exercised original jurisdiction and reviewed both factual findings and legal conclusions de novo. Ineffective-assistance claims were evaluated under Strickland v. Washington and State v. Fritz. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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## TOPICS

state post-conviction relief   ineffective assistance   sentencing   appellate procedure  
cruel and unusual punishment

## PRACTICE AREAS

criminal procedure   post-conviction relief   capital sentencing   ineffective assistance of counsel  
criminal appeals

## QUESTIONS PRESENTED

1. Whether the PCR court's biased, sarcastic, and pejorative statements undermined the reliability of its findings and conclusions in a capital post-conviction proceeding.
2. Whether the Supreme Court could exercise original jurisdiction to review the PCR record de novo rather than remand for a new PCR proceeding.
3. Whether trial counsel rendered ineffective assistance under the Strickland/Fritz standard during the guilt phase.
4. Whether trial counsel rendered ineffective assistance during the penalty phase by inadequately investigating or presenting mitigating evidence.
5. Whether Harris was denied constitutional protections when a letter elicited through an intermediary was admitted despite his incarceration and prior representation on an unrelated weapons charge.
6. Whether counsel was ineffective for failing to suppress statements made during a presentence interview.
7. Whether counsel was ineffective in cross-examining witnesses, selecting witnesses, or investigating Harris's competency.
8. Whether the trial court was required to order a competency hearing sua sponte.

## HOLDINGS

1. A PCR court in a capital case may not minimize its responsibility by treating the proceeding as futile or meaningless because the ultimate disposition of the death sentence rests with an appellate court or the Legislature. Where the PCR court's statements demonstrate bias, disdain, and a preordained view that its role is meaningless, its findings and conclusions do not satisfy the reliability required for meaningful post-conviction review.
2. The Supreme Court may exercise its discretionary original jurisdiction to review de novo both factual findings and legal conclusions in a PCR matter when the lower court's findings are unreliable, the record is sufficiently developed, and remand would not serve the interests of justice.
3. Harris did not establish ineffective assistance of counsel because the challenged decisions either were objectively reasonable strategic choices or did not produce the required prejudice under Strickland and

Fritz.

4. Harris failed to show that counsel was ineffective for not pursuing additional competency testing and failed to establish that the trial court erred by not ordering a competency hearing sua sponte.

#### KEY QUOTATIONS

*“In performing their function to secure the necessary reliability of a capital sentence, PCR courts must not minimize their own “awesome responsibility” in the process.” (at 377)*

*“We hold that the PCR court's findings and conclusions are null and void as a result of its injudicious performance.” (at 381)*

*“Accordingly, we invoke our original jurisdiction in the review of this matter.” (at 381)*

#### FACTUAL BACKGROUND

Harris was convicted of carjacking, robbing, raping, and murdering Kristin Huggins in Trenton in December 1992. The State's evidence included testimony from Gloria Dunn, statements by Harris's nephew, forensic evidence, ballistic evidence, and evidence connecting Harris to Huggins's car and property. The jury found two capital aggravating factors and imposed a death sentence. Harris later alleged ineffective assistance during both the guilt and penalty phases, challenged the admission of a letter and statements, and claimed that counsel and the trial court failed to address his competency.

#### PROCEDURAL HISTORY

A jury convicted Harris of capital murder and imposed a death sentence in 1996. The Supreme Court affirmed the conviction and sentence in *State v. Harris*, 156 N.J. 122, 716 A.2d 458 (1998), and later upheld the proportionality of the sentence in *State v. Harris*, 165 N.J. 303, 757 A.2d 221 (2000). Harris filed a PCR petition in 2001 asserting ineffective assistance and other constitutional claims. The PCR court denied relief, including an Atkins claim, and Harris appealed. The Supreme Court held the PCR court's findings and conclusions null and void because of its diminished sense of responsibility and then exercised original jurisdiction to review the record de novo.

#### DISPOSITION

affirmed

#### CASES CITED

- *State v. Harris*, 156 N.J. 122, 716 A.2d 458 (1998)
- *State v. Harris*, 165 N.J. 303, 757 A.2d 221 (2000)
- *Caldwell v. Mississippi*, 472 U.S. 320, 105 S.Ct. 2633, 86 L.Ed.2d 231 (1985)
- *State v. Martini*, 144 N.J. 603, 613, 677 A.2d 1106 (1996)
- *State v. Preciose*, 129 N.J. 451, 475-76, 609 A.2d 1280 (1992)
- *State v. Nelson*, 173 N.J. 417, 457-60, 803 A.2d 1 (2002)

- State v. Josephs, 174 N.J. 44, 107, 803 A.2d 1074 (2002)
- State v. Koskovich, 168 N.J. 448, 536, 776 A.2d 144 (2001)
- State v. Marshall, 123 N.J. 1, 247, 586 A.2d 85 (1991)
- State v. Rose, 112 N.J. 454, 511, 548 A.2d 1058 (1988)
- State v. Bey, 112 N.J. 123, 162, 548 A.2d 887 (1988)
- State v. Johnson, 42 N.J. 146, 159-62, 199 A.2d 809 (1964)
- State v. Yough, 49 N.J. 587, 596, 601, 231 A.2d 598 (1967)
- State v. Sugar, 108 N.J. 151, 159-66, 527 A.2d 1377 (1987)
- Toll Bros., Inc. v. Township of W. Windsor, 173 N.J. 502, 549, 803 A.2d 53 (2002)
- Rova Farms Resort, Inc. v. Investors Ins. Co. of Am., 65 N.J. 474, 484, 323 A.2d 495 (1974)
- State v. Marshall, 148 N.J. 89, 185, 250, 690 A.2d 1 (1997)
- Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)
- State v. Fritz, 105 N.J. 42, 58, 519 A.2d 336 (1987)
- State v. Chew, 179 N.J. 186, 203-04, 844 A.2d 487 (2004)
- Texas v. Cobb, 532 U.S. 162, 164, 121 S.Ct. 1335, 149 L.Ed.2d 321 (2001)
- McNeil v. Wisconsin, 501 U.S. 171, 175, 111 S.Ct. 2204, 115 L.Ed.2d 158 (1991)
- Illinois v. Perkins, 496 U.S. 292, 294-96, 110 S.Ct. 2394, 110 L.Ed.2d 243 (1990)
- Harris v. New York, 401 U.S. 222, 91 S.Ct. 643, 28 L.Ed.2d 1 (1971)
- State v. Burris, 145 N.J. 509, 525, 679 A.2d 121 (1996)
- State v. Lucas, 30 N.J. 37, 73-74, 152 A.2d 50 (1959)
- Drope v. Missouri, 420 U.S. 162, 95 S.Ct. 896, 43 L.Ed.2d 103 (1975)
- Pate v. Robinson, 383 U.S. 375, 385, 86 S.Ct. 836, 15 L.Ed.2d 815 (1966)