

SUPREME COURT OF CALIFORNIA

People v. Engelman

28 Cal. 4th 436, 49 P.3d 209, 121 Cal. Rptr. 2d 862 (Cal. 2002) · No. S086462 · Decided July 18, 2002

SUMMARY

The Supreme Court of California held that CALJIC No. 17.41.1 did not violate the defendant’s constitutional rights to a jury trial, an independent and impartial verdict, or unanimity. Nevertheless, the court concluded that the instruction should not be given in future criminal trials because it could intrude upon jury deliberations, chill open discussion, and encourage unnecessary reporting of perceived misconduct.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	George, C.J.; Kennard, J.; Werdegar, J.; Baxter, J.; Moreno, J.; Chin, J.; Brown, J.
JURISDICTION	California
DECIDED	July 18, 2002
DOCKET	S086462
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his criminal conviction, arguing that the trial court violated his constitutional rights by instructing the jury pursuant to CALJIC No. 17.41.1. The California Supreme Court granted review after the Court of Appeal affirmed.
STANDARD OF REVIEW	The constitutional challenge to the jury instruction was reviewed as a question of law; the court also exercised supervisory authority over future trial-court instructions.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; binding statewide precedent, including the prospective supervisory prohibition on CALJIC No. 17.41.1.
PARTIES	Tye John Engelman v. The People

TOPICS

- jury instructions
- criminal procedure
- sixth amendment
- fourteenth amendment
- due process

PRACTICE AREAS

criminal procedure

constitutional law

jury instructions

QUESTIONS PRESENTED

1. Whether CALJIC No. 17.41.1 violated the federal or state constitutional right to trial by jury.
2. Whether CALJIC No. 17.41.1 violated the California constitutional right to a unanimous verdict and to the independent and impartial judgment of each juror.
3. Whether giving CALJIC No. 17.41.1 constituted a structural defect requiring reversal per se.
4. Whether, notwithstanding the absence of constitutional error, the California Supreme Court should prohibit trial courts from giving CALJIC No. 17.41.1 in future criminal trials.

HOLDINGS

1. Giving CALJIC No. 17.41.1 did not violate defendant's federal or state constitutional right to trial by jury, his California constitutional right to a unanimous verdict, or his right to the independent and impartial judgment of each juror.
2. Jurors have a duty to follow the court's instructions and lack a right to refuse to deliberate, disregard the law, or decide a noncapital case on the basis of punishment; such conduct may constitute misconduct and may support discharge after appropriate inquiry.
3. Trial courts should not give CALJIC No. 17.41.1 in future California criminal trials.

KEY QUOTATIONS

"We agree with the Court of Appeal that the instruction does not infringe upon defendant's federal or state constitutional right to trial by jury or his state constitutional right to a unanimous verdict, and uphold the Court of Appeal's decision affirming the judgment of conviction." (28 Cal. 4th at 436; 49 P.3d at 209)

"Accordingly, in the exercise of our supervisory power, we direct that CALJIC No. 17.41.1 not be given in trials conducted in the future." (28 Cal. 4th at 449; 49 P.3d at 218)

FACTUAL BACKGROUND

On August 20, 1998, near a bridge in Vista, California, Engelman approached a homeless man who was sleeping, struck him on the head with a bottle, and asked whether he had cigarettes or money. Engelman took the victim's tobacco. The jury convicted him of robbery and assault with a deadly weapon and found true allegations that he personally used a deadly weapon.

PROCEDURAL HISTORY

Engelman was convicted of robbery and assault with a deadly weapon, with true findings on personal-use allegations. The trial court reduced the assault conviction to a misdemeanor, suspended imposition of sentence, and granted probation subject to county jail terms. The Court of Appeal affirmed, rejecting the challenge to CALJIC No. 17.41.1. The Supreme Court affirmed the judgment but exercised its supervisory power to direct that the instruction not be given in future California criminal trials.

DISPOSITION

affirmed

CASES CITED

- People v. Cleveland, 25 Cal. 4th 466, 106 Cal. Rptr. 2d 313, 21 P.3d 1225 (2001)
- People v. Williams, 25 Cal. 4th 441, 106 Cal. Rptr. 2d 295, 21 P.3d 1209 (2001)
- People v. Gainer, 19 Cal. 3d 835, 139 Cal. Rptr. 861, 566 P.2d 997 (1977)
- United States v. Thomas, 116 F.3d 606 (2d Cir. 1997)
- People v. Nichols, 54 Cal. App. 4th 21, 62 Cal. Rptr. 2d 433 (1997)
- People v. Keenan, 46 Cal. 3d 478, 250 Cal. Rptr. 550, 758 P.2d 1081 (1988)
- People v. Bowers, 87 Cal. App. 4th 722, 104 Cal. Rptr. 2d 726 (2001)
- People v. Johnson, 3 Cal. 4th 1183, 14 Cal. Rptr. 2d 702, 842 P.2d 1 (1992)
- In re Podesto, 15 Cal. 3d 921, 127 Cal. Rptr. 97, 544 P.2d 1297 (1976)
- People v. Vickers, 8 Cal. 3d 451, 105 Cal. Rptr. 305, 503 P.2d 1313 (1972)
- People v. Nesler, 16 Cal. 4th 561, 66 Cal. Rptr. 2d 454, 941 P.2d 87 (1997)
- People v. Williams, 25 Cal. 4th 441, 106 Cal. Rptr. 2d 295, 21 P.3d 1209 (2001)

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