

OKLAHOMA COURT OF CRIMINAL APPEALS

Woodruff v. State

539 P.2d 28 (Okla. Crim. App. 1975) · Decided April 15, 1975

SUMMARY

The Oklahoma Court of Criminal Appeals affirmed Leonard J. Woodruff Jr.'s conviction for unlawful delivery of amphetamine. The court held that evidence of a subsequent similar drug transaction was admissible to show a common scheme or plan, that the evidence sufficiently supported the conviction, and that the trial court properly replayed the portion of testimony requested by the jury. The court also rejected the defendant's motion-for-mistrial argument.

CASE DETAILS

COURT	Oklahoma Court of Criminal Appeals
WRITING FOR THE COURT	Bussey, Judge; Bliss, Judge; Brett, Presiding Judge
JURISDICTION	Oklahoma
DECIDED	April 15, 1975
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his conviction and sentence for unlawful delivery of a controlled dangerous substance following a jury trial in the District Court of Carter County.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence to determine whether competent evidence allowed the jury reasonably to find defendant guilty as charged, while recognizing that the jury exclusively weighs evidence and determines disputed facts. Evidentiary and jury-testimony-replay rulings were reviewed under the applicable Oklahoma statutory and case law.
PRECEDENTIAL VALUE	Published opinion; precedential under the Oklahoma Court of Criminal Appeals' applicable rules.
PARTIES	Leonard J. Woodruff, Jr. v. State of Oklahoma

TOPICS

- evidence
- criminal procedure
- relevance
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether evidence of Woodruff's subsequent amphetamine delivery in Norman was inadmissible evidence of another crime.
2. Whether the evidence was sufficient to support Woodruff's conviction for unlawful delivery of a controlled dangerous substance while acting in concert with West.
3. Whether the trial court improperly allowed the jury to hear only the portion of the agent's testimony that it requested during deliberations, rather than also replaying the cross-examination.
4. Whether the trial court erred in denying Woodruff's motion for a mistrial based on the admission of evidence of another offense.

HOLDINGS

1. Evidence of a subsequent, similar offense was properly admitted because it was material to show a common scheme or plan and was sufficiently related to the charged offense that proof of the subsequent offense tended to establish the charged offense.
2. The evidence was sufficient to support Woodruff's conviction for unlawful delivery of amphetamine while acting in concert with West.
3. The trial court properly replayed only the portion of the witness's testimony requested by the jury and was not required to replay the cross-examination when the jury did not request additional testimony.
4. The denial of the motion for mistrial was proper because the evidence of the subsequent offense was properly admitted.

KEY QUOTATIONS

"The general rule in this state is that when a defendant is put upon trial for one offense he is to be convicted, if at all, by evidence which shows that he is guilty of that offense alone and the admission of evidence of other crimes, either prior or subsequent to the offense for which he is on trial is inadmissible." (539 P.2d at 29)

"The offense for which the defendant was charged and the offense which was shown by the evidence in question were so closely related to each other that proof of the latter tended to establish the other." (539 P.2d at 30)

"This Court has consistently held that where there is competent evidence in the record from which the jury could reasonably conclude the defendant was guilty as charged, the Court of Criminal Appeals will not interfere with the verdict even though there is a sharp conflict in the evidence and different inferences may be drawn therefrom, since it is the exclusive province of the jury to weigh the evidence and determine the facts." (539 P.2d at 31)

FACTUAL BACKGROUND

An undercover Oklahoma State Bureau of Investigation agent met Woodruff at a club and asked to purchase crystal, which the agent explained meant amphetamine. Woodruff said he would have to obtain the drugs,

introduced the agent to Robert Wayne West, and West then delivered two bags of amphetamine. The next day, the agent met Woodruff and West, and Woodruff handed the agent a box containing two packages of amphetamine after discussing the price. The jury convicted Woodruff of unlawful delivery while acting in concert with West.

PROCEDURAL HISTORY

Woodruff was charged in Carter County District Court with unlawful delivery of amphetamine while acting in concert with Robert Wayne West. A jury convicted him, imposed two years' imprisonment and a \$500 fine, and the trial court entered judgment and sentence. Woodruff timely appealed, asserting improper admission of subsequent-act evidence, insufficient evidence, improper replay of only part of a witness's testimony to the jury, and denial of a mistrial.

DISPOSITION

affirmed

CASES CITED

- Moulton v. State, 476 P.2d 366 (Okla. Crim. App. 1970)
- Epperson v. State, 406 P.2d 1017 (Okla. Crim. App.)
- Parks v. State, 457 P.2d 818 (Okla. Crim. App.)
- Turnbow v. State, 451 P.2d 387 (Okla. Crim. App.)
- Jones v. State, 468 P.2d 805 (Okla. Crim. App. 1970)
- Miller v. State, 40 Okl. Cr. 72, 267 P. 673 (1928)
- Farrington v. State, 490 P.2d 766 (Okla. Crim. App. 1971)