

DISTRICT OF COLUMBIA COURT OF APPEALS

Michael Sanders v. United States

118 A.3d 782 (D.C. 2015) · No. No. 14-CF-129 · Decided July 2, 2015

SUMMARY

The District of Columbia Court of Appeals held that the trial court inadequately responded to a jury question concerning whether the defendant's intent to rob had to exist at the time of the assault. The court concluded that the error was not harmless beyond a reasonable doubt, reversed Michael Sanders's conviction for assault with intent to commit robbery, and remanded for further proceedings.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	McLeese, Associate Judge; Thompson, Associate Judge; Pryor, Senior Judge
JURISDICTION	District of Columbia
DECIDED	July 2, 2015
DOCKET	No. 14-CF-129
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Sanders appealed his conviction for assault with intent to commit robbery, arguing that the trial court inadequately answered a jury question concerning the timing of the intent-to-rob element.
STANDARD OF REVIEW	The decision whether and how to respond to a jury question is reviewed for abuse of discretion. An instructional error affecting a controlling issue requires reversal unless harmless beyond a reasonable doubt.
PRECEDENTIAL VALUE	published opinion
PARTIES	Michael Sanders v. United States

TOPICS

- jury instructions
- criminal procedure
- appellate procedure
- harmless error
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court adequately answered the jury's legal question about whether the intent to rob had to exist at the time of the assault.
2. Whether the trial court's inadequate response to the jury note was harmless beyond a reasonable doubt.

HOLDINGS

1. When a jury note demonstrates confusion about a legal element, the trial court must respond with concrete accuracy and clearly instruct the jury that the intent to rob must exist at the time of the assault. Telling the jury that the legal question was for it to decide was inadequate.
2. The error was not harmless beyond a reasonable doubt because the evidence permitted a reasonable juror to find that Sanders's earlier intent to rob had ceased by the time he struck Truong.

KEY QUOTATIONS

“When a jury sends a note which demonstrates that it is confused, the trial court must not allow that confusion to persist; it must respond appropriately.” (118 A.3d at 785)

“The trial court is required to clear away any confusion “with concrete accuracy.”” (118 A.3d at 785)

“It follows that the jury should have been clearly told that the intent to rob must exist at the time of the assault.” (118 A.3d at 786)

“Thus, the response to the jury’s question by its terms authorized the jury to find Mr. Sanders guilty even if the jury found that Mr. Sanders did not intend to rob at the time of the assault.” (118 A.3d at 787)

FACTUAL BACKGROUND

While riding a Metro train, Hoa Truong testified that Sanders twice asked him for money or his phone and punched him after Truong refused. Another witness testified that Sanders struck Truong once as passengers were leaving the train, but did not see Sanders speak to Truong. The evidence permitted a reasonable juror to find that Sanders intended to rob Truong earlier but have a reasonable doubt whether that intent continued when Sanders struck him.

PROCEDURAL HISTORY

A jury convicted Sanders of assault with intent to commit robbery in the Superior Court of the District of Columbia. During deliberations, the jury asked whether an intent to rob immediately before the assault satisfied the requirement that the intent exist 'at the time of the attempt to injure.' The trial court answered, 'That is for the jury to decide.' The District of Columbia Court of Appeals held that the response failed to resolve the jury's legal confusion and that the error was not harmless beyond a reasonable doubt.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the trial court was reversed, and the case was remanded for further proceedings.

CASES CITED

- Yelverton v. United States, 904 A.2d 383, 387 (D.C. 2006)
- Alcindore v. United States, 818 A.2d 152, 155, 157-158 (D.C. 2003)
- Murchison v. United States, 486 A.2d 77, 83 (D.C. 1984)
- Bollenbach v. United States, 326 U.S. 607, 613 (1946)
- Singleton v. United States, 488 A.2d 1365, 1367 n.2 (D.C. 1985)
- Garrett v. United States, 20 A.3d 745, 748-749 (D.C. 2011)
- Gray v. United States, 79 A.3d 326, 339 (D.C. 2013)
- Chapman v. California, 386 U.S. 18, 24 (1967)
- Potter v. United States, 534 A.2d 943, 946 (D.C. 1987)
- Longus v. United States, 52 A.3d 836, 857 (D.C. 2012)