

SUPREME COURT OF NEW HAMPSHIRE

State v. William Edic

169 N.H. 580 (2017) · No. Merrimack No. 2015-0329 · Decided January 31, 2017

SUMMARY

The Supreme Court of New Hampshire affirmed William Edic’s convictions for second-degree murder and falsifying physical evidence. The court addressed the exclusion of audio recordings, limits on cross-examination concerning a witness’s prison disciplinary history, and exclusion of correctional officers’ testimony. It held that some arguments were unpreserved, upheld the exclusion of a recording on an unchallenged hearsay basis, rejected the constitutional challenges, and concluded that any other evidentiary errors were harmless beyond a reasonable doubt.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Hicks, J.; Dalianis, C.J.; Conboy, J.; Lynn, J.; Bassett, J.
JURISDICTION	New Hampshire
DECIDED	January 31, 2017
DOCKET	Merrimack No. 2015-0329
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed jury-trial convictions in Superior Court for second degree murder and falsifying physical evidence, challenging several evidentiary rulings.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for an unsustainable exercise of discretion; the defendant must show that the ruling was clearly untenable or unreasonable to the prejudice of his case. Preservation issues are reviewed based on whether a contemporaneous and specific objection was made. Constitutional confrontation limitations are reviewed under the unsustainable-exercise-of-discretion standard once a threshold level of inquiry has been permitted. The State bears the burden of proving harmlessness beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	William Edic v. State of New Hampshire

TOPICS

evidence

impeachment

preservation of error

harmless error

criminal procedure

PRACTICE AREAS

criminal law

evidence

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the defendant preserved his challenges to the exclusion of certain audio recordings and his constitutional arguments concerning those recordings.
2. Whether exclusion of a third audio recording was improper under New Hampshire Rule of Evidence 608(b).
3. Whether exclusion of the third recording violated the defendant's state and federal rights to present favorable evidence and confront witnesses.
4. Whether exclusion of the first recording, limitation of cross-examination concerning an inmate's disciplinary history, and exclusion of correctional-officer testimony constituted reversible error.
5. Whether any error in excluding or limiting the challenged evidence was harmless beyond a reasonable doubt.

HOLDINGS

1. Arguments not raised in the trial court through a contemporaneous and specific objection are not preserved for appellate review, and the court will not ordinarily consider them for the first time on appeal.
2. The court may affirm exclusion of evidence on an unchallenged alternative ground, including hearsay, without deciding whether the trial court correctly applied Rule 608(b).
3. The constitutional right to present favorable evidence does not entitle a criminal defendant to introduce evidence that is inadmissible under ordinary rules of evidence.
4. Once the defendant has been permitted a threshold level of inquiry into a proper subject of cross-examination, limiting further cross-examination does not violate the confrontation right unless the limitation was clearly untenable or unreasonable and prejudicial.
5. An evidentiary error is harmless beyond a reasonable doubt when the State proves that it did not affect the verdict, including where the remaining evidence of guilt is overwhelming and the challenged evidence is cumulative or inconsequential.

KEY QUOTATIONS

“The general rule in this jurisdiction is that a contemporaneous and specific objection is required to preserve an issue for appellate review.” (2)

“However, neither provision “entitle[s] the defendant to introduce evidence in violation of the rules of evidence.”” (4)

“Once a defendant has been permitted a threshold level of inquiry, . . . the constitutional standard is satisfied” (4-5)

“To establish that an error was harmless, the State must prove beyond a reasonable doubt that the error did not affect the verdict.” (6)

FACTUAL BACKGROUND

The charges arose from a July 26, 2010 attack at the New Hampshire State Prison in which the victim was repeatedly stomped in the head and later died. The State also alleged that Edic helped clean and destroy blood and other physical evidence after the attack. At trial, several inmates testified that Edic participated in the attack and cleanup, and the defense sought to introduce recordings, disciplinary-history evidence, and correctional-officer testimony to impeach those witnesses and show motives to testify.

PROCEDURAL HISTORY

Following a jury trial in the New Hampshire Superior Court, William Edic was convicted of second degree murder and falsifying physical evidence. He appealed, arguing that the trial court improperly excluded or limited evidence concerning witness credibility and motive, and that exclusion of one recording violated his constitutional rights. The Supreme Court of New Hampshire affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Blackmer, 149 N.H. 47, 48 (2003)
- State v. Alexander, 143 N.H. 216, 220 (1998)
- State v. Stowe, 162 N.H. 464, 470 (2011)
- Koor Communication v. City of Lebanon, 148 N.H. 618, 624 (2002)
- State v. Ball, 124 N.H. 226, 231-33 (1983)
- State v. Newcomb, 140 N.H. 72, 79 (1995)
- Pennsylvania v. Ritchie, 480 U.S. 39, 56 (1987)
- State v. Graf, 143 N.H. 294, 296-97 (1999)
- Taylor v. Illinois, 484 U.S. 400, 410 (1988)
- State v. Miller, 155 N.H. 246, 253-54 (2007)
- Roy, 167 N.H. 286, 290 (2015)
- State v. Botelho, 165 N.H. 751, 756 (2013)
- State v. Dupont, 149 N.H. 70, 74 (2003)
- State v. Peters, 162 N.H. 30, 36 (2011)
- State v. Mayo, 167 N.H. 443, 458 (2015)
- United States v. Spriggs, 996 F.2d 320, 323 (D.C. Cir. 1993)

- State v. Cooper, 168 N.H. 161, 171 (2015)

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