

SUPREME COURT OF WYOMING

Washington v. State

261 P.3d 717 (Wyo. 2011) · Decided September 20, 2011

SUMMARY

The Wyoming Supreme Court affirmed Marshall Washington’s convictions for possession of controlled substances. The court held that the district court did not abuse its discretion by denying discovery of the Wyoming Division of Criminal Investigation’s confidential-informant policy manual, and determined that Washington had access to the confidential-informant agreement before and during trial. The court remanded for correction of clerical omissions in the modified judgment and sentence to comply with the Wyoming Rules of Criminal Procedure.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Voigt, Justice; Burke; Golden; Hill; Kite; Voigt
JURISDICTION	Wyoming
DECIDED	September 20, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	After being convicted by a jury on seven counts of possession of a controlled substance, Washington appealed the denial of discovery of a confidential-informant policy manual and challenged omissions in the modified judgment and sentence.
STANDARD OF REVIEW	Discovery rulings are reviewed for abuse of discretion, with the appellant bearing the burden of proving that the ruling was unreasonable. Compliance with the requirements of W.R.Cr.P. 32 and the effect of noncompliance are reviewed de novo.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Marshall Washington v. State of Wyoming

TOPICS

discovery criminal

criminal procedure

appellate procedure

standard of review

evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying discovery of the confidential-informant policy manual.
2. Whether Washington was denied access to the signed confidential-informant agreement before trial.
3. What effect the omission of information required by W.R.Cr.P. 32(b) had on the modified judgment and sentence.

HOLDINGS

1. The record did not show that Washington was denied access to the signed confidential-informant agreement; he and his counsel had access to and used the agreement before and during trial.
2. The district court did not abuse its discretion by denying discovery of the DCI confidential-informant policy manual because the manual was not material to Washington's defense.
3. The omissions from the modified judgment and sentence were clerical errors that could be corrected on remand rather than grounds for reversal.

KEY QUOTATIONS

“Although there is no constitutional right to discovery, a defendant has a constitutionally protected right to present a defense.” (§17)

“Judicial discretion is a composite of many things, among which are conclusions drawn from objective criteria; it means a sound judgment exercised with regard to what is right under the circumstances without doing so arbitrarily or capriciously.” (§22)

“The key factor is whether or not the court reached a decision in the intentional or purposeful exercise of its judicial function.” (§24)

FACTUAL BACKGROUND

Washington agreed to serve as a confidential informant for the Wyoming Division of Criminal Investigation and signed an agreement stating that he could not handle contraband unless specifically authorized by an agent or officer. During preparation for a controlled buy, agents searched his vehicle and found multiple controlled substances, leading to seven possession charges. Washington claimed at trial that he mistakenly believed he had been authorized to obtain drugs independently. The signed agreement was available to him before and during trial, but the district court denied discovery of DCI's policy manual after an in camera review.

PROCEDURAL HISTORY

Washington was charged with seven counts of possession of controlled substances after drugs were found in his vehicle during preparation for a controlled-buy operation. The district court denied his motion to compel discovery of the DCI confidential-informant policy manual, and the jury convicted him on all counts. The court

later entered a modified judgment correcting an erroneous statement that Washington had pleaded guilty, but the modified judgment omitted information required by W.R.Cr.P. 32(b). Washington timely appealed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The district court must amend the Modified Judgment and Sentence to include the information required by W.R.Cr.P. 32(b), including the plea and verdict for each offense, the defendant's testimony and advisement regarding the right to testify, and an adjudication for each offense.

CASES CITED

- Ceja v. State, 2009 WY 71, 208 P.3d 66 (Wyo. 2009)
- Almada v. State, 994 P.2d 299 (Wyo. 1999)
- Dodge v. State, 562 P.2d 303 (Wyo. 1977)
- Nelson v. State, 2009 WY 37, 202 P.3d 1072 (Wyo. 2009)
- Proffit v. State, 2008 WY 103, 191 P.3d 974 (Wyo. 2008)
- Person v. State, 2004 WY 149, 100 P.3d 1270 (Wyo. 2004)
- Dunmire v. Powell Family of Yakima, LLC (In re Kite Ranch, LLC), 2008 WY 39, 181 P.3d 920 (Wyo. 2008)
- Erwin v. State, DFS, 2010 WY 117, 237 P.3d 409 (Wyo. 2010)
- Whitten v. State, 2005 WY 55, 110 P.3d 892 (Wyo. 2005)
- Kitzke v. State, 2004 WY 9, 84 P.3d 950 (Wyo. 2004)
- Mary's Bake Shoppe v. City of Cheyenne, 2008 WY 116, 193 P.3d 252 (Wyo. 2008)
- Vena v. State, 941 P.2d 83 (Wyo. 1997)
- Vaughn v. State, 962 P.2d 149 (Wyo. 1998)
- Martin v. State, 720 P.2d 894 (Wyo. 1986)
- Glover v. Crayk, 2005 WY 148, 122 P.3d 955 (Wyo. 2005)
- Kearns v. State, 2002 WY 97, 48 P.3d 1090 (Wyo. 2002)
- Spomer v. Spomer, 580 P.2d 1146 (Wyo. 1978)
- Eddy v. First Wyoming Bank, N.A.-Lander, 718 P.2d 228 (Wyo. 1986)
- Midwest Refining Co. v. George, 44 Wyo. 25, 7 P.2d 218 (1932)
- Moore v. State, 2009 WY 108, 215 P.3d 271 (Wyo. 2009)
- Dickson v. State, 908 P.2d 1019 (Wyo. 1995)