

DISTRICT OF COLUMBIA COURT OF APPEALS

Furl J. Williams, Arthur Terence Bullock, and Marteesee Norman v.
United States

113 A.3d 554 (D.C. 2015) · No. Nos. 12-CF-1604, 12-CF-1605, and 12-CF-1504 · Decided April 23, 2015

SUMMARY

The District of Columbia Court of Appeals reviewed the robbery convictions of Furl J. Williams, Arthur Terence Bullock, and Marteesee Norman. The court held that the government failed to prove beyond a reasonable doubt that the defendants used violence or put the victim in fear, an essential element of robbery under D.C. Code § 22-2801. The court therefore reversed the robbery convictions.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Reid, Senior Judge; Washington, Chief Judge; Fisher, Associate Judge
JURISDICTION	District of Columbia
DECIDED	April 23, 2015
DOCKET	Nos. 12-CF-1604, 12-CF-1605, and 12-CF-1504
DISPOSITION	reversed
PROCEDURAL POSTURE	Appellants appealed their robbery convictions from the Superior Court of the District of Columbia. They challenged the convictions on several grounds, including insufficiency of the evidence; the court addressed only the sufficiency issue because it was dispositive.
STANDARD OF REVIEW	The court reviews the sufficiency of the evidence by considering all evidence in the light most favorable to the government, deferring to the fact-finder's evaluation of credibility, weighing of evidence, and drawing of justifiable inferences. The conviction must be reversed if no reasonable juror could find every essential element beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published and precedential opinion of the District of Columbia Court of Appeals
PARTIES	Furl J. Williams, Arthur Terence Bullock, Marteesee Norman v. United States

TOPICS

criminal procedure

evidence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove the violence-or-putting-in-fear element of robbery beyond a reasonable doubt.
2. Whether the court should reverse all three robbery convictions when the sufficiency challenge was expressly raised on appeal by only Williams and Norman but Bullock had challenged sufficiency in the trial court.

HOLDINGS

1. The government failed to prove beyond a reasonable doubt that appellants used violence or engaged in conduct that objectively would put a reasonable person in fear of imminent bodily harm. The evidence that three people approached Chau, two said “what, what, what,” and Chau handed over his wallet did not establish the required menacing or threatening conduct.
2. Bullock was also entitled to reversal because the government had to prove every element of robbery beyond a reasonable doubt, and the court held that the evidence failed to prove an essential element of the offense.

KEY QUOTATIONS

“To prove the “putting in fear” element, the government must establish some “menacing conduct of the accused and his purposeful design ... to engender fear in . . . [the] victim.”” (113 A.3d at 561)

“This evidence did not prove “menacing conduct” that would “engender fear,” Parks, supra, 627 A.2d at 5, or “some threatening act that would lead a reasonable person to believe he was in imminent danger of bodily harm.”” (113 A.3d at 563)

FACTUAL BACKGROUND

Loi Chau encountered three individuals near a Metro elevator after work late at night. The individuals approached him; two said “what, what, what,” and Chau, believing they might have guns or knives, handed over his wallet, which contained cards but no money. The individuals walked away together and were subsequently stopped by police, who recovered Chau's wallet and cards in the surrounding area and conducted show-up identifications. Chau testified inconsistently about whether the defendants threatened, pushed, or frightened him, and the evidence did not establish any weapon, physical force, express threat, or unequivocal demand for money.

PROCEDURAL HISTORY

The Superior Court denied appellants' motions for judgment of acquittal, concluding that sufficient evidence supported the robbery charges. The defendants renewed their motions at the close of all evidence, and the trial court again denied them. On appeal, the District of Columbia Court of Appeals considered the sufficiency challenge and reversed all three robbery convictions.

DISPOSITION

reversed

CASES CITED

- Jones v. United States, 67 A.3d 547, 549 (D.C. 2013)
- Lattimore v. United States, 684 A.2d 357, 359 (D.C. 1996)
- Rivas v. United States, 783 A.2d 125, 134 (D.C. 2001) (en banc)
- United States v. Wagstaff, 865 F.2d 626, 629 (4th Cir. 1989)
- Parks v. United States, 627 A.2d 1, 5-6 (D.C. 1993)
- In re D.R., 96 A.3d 45, 47 n.2 (D.C. 2014)
- Parnell v. Oklahoma, 389 P.2d 370, 375 (Okla. Crim. App. 1964)
- Owens v. United States, 497 A.2d 1086, 1090 (D.C. 1985)
- United States v. Ketchum, 550 F.3d 363, 367 (4th Cir. 2008)
- United States v. Gilmore, 282 F.3d 398, 403 (6th Cir. 2002)
- Dublin v. United States, 388 A.2d 461, 463-64 (D.C. 1978)
- Spencer v. State, 30 A.3d 891, 893, 899 (Md. 2011)