

SUPREME COURT OF MINNESOTA

State v. Buckingham

772 N.W.2d 64 (Minn. 2009) · No. A08-1331 · Decided September 10, 2009

SUMMARY

The Minnesota Supreme Court reviewed Justin Lamont Buckingham's convictions for aiding and abetting first-degree murder and attempted first-degree murder arising from a drive-by shooting. The court rejected challenges concerning custodial-interrogation recording, contact with Buckingham without counsel, sufficiency of the evidence, and prosecutorial misconduct. It affirmed the convictions and modified the sentences for attempted first-degree drive-by shooting murder from 243 months to the statutory maximum of 240 months.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	G. Barry Anderson, Justice
JURISDICTION	Minnesota
DECIDED	September 10, 2009
DOCKET	A08-1331
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for aiding and abetting first-degree premeditated murder, aiding and abetting first-degree drive-by shooting murder, and multiple counts of aiding and abetting attempted first-degree murder and attempted first-degree drive-by shooting murder, together with the resulting sentences.
STANDARD OF REVIEW	Whether a Scales recording violation was substantial is reviewed de novo, while district-court factual findings are reviewed for clear error. Suppression rulings are reviewed for clear error as to factual findings and de novo as to legal determinations. Sufficiency of the evidence is reviewed by determining whether, viewing the evidence and reasonable inferences in the light most favorable to the State and presuming the jury believed the State's witnesses, a reasonable jury could find guilt beyond a reasonable doubt. Unobjected-to prosecutorial misconduct is reviewed under Minnesota's modified plain-error standard.

PRECEDENTIAL VALUE	Published Minnesota Supreme Court opinion; precedential.
PARTIES	Justin Lamont Buckingham v. State of Minnesota

TOPICS

criminal procedure suppression of evidence sentencing evidence prosecutorial misconduct

PRACTICE AREAS

criminal law criminal procedure appellate practice sentencing

QUESTIONS PRESENTED

1. Whether Buckingham's police statements should be suppressed because the interview was not recorded in violation of State v. Scales.
2. Whether Buckingham's statements should be suppressed because police interviewed him without his attorney present or consent.
3. Whether the evidence was sufficient to prove that Buckingham aided and abetted first-degree murder and attempted first-degree murder.
4. Whether the sentences of 243 months for attempted first-degree drive-by shooting murder exceeded the statutory maximum.
5. Whether unobjected-to prosecutorial statements concerning gang-related threats constituted plain prosecutorial misconduct requiring relief.

HOLDINGS

1. Any failure to record Buckingham's custodial interrogation was not a substantial violation of State v. Scales and therefore did not require suppression of the statements.
2. Buckingham's statements were not obtained through improper police contact requiring suppression.
3. The evidence was sufficient for a reasonable jury to find Buckingham guilty of aiding and abetting first-degree murder.
4. The statutory maximum sentence for each attempted first-degree drive-by shooting murder conviction was 240 months, not 243 months; the sentences were reduced accordingly.
5. The prosecutor's challenged gang-related statements did not constitute reversible plain error.

KEY QUOTATIONS

"We need not determine if there was a Scales violation here because, if there was, it was not substantial." (at 69)

"Given the de minimis sentencing error here, we reduce the sentences for aiding and abetting attempted first-degree drive-by shooting murder to 240 months each, the maximum sentence permitted under the statute." (at 72)

FACTUAL BACKGROUND

After an altercation outside a Minneapolis bar, a white SUV pursued a minivan carrying Ricardo Walker and others, and shots were fired from the SUV, fatally striking Walker and injuring or endangering other occupants and a pursuing vehicle. Witness Wright testified that Buckingham was in the SUV's front passenger seat and fired the shots; police later found Buckingham's fingerprints near that seat. During a later police interview, Buckingham admitted riding in the SUV with the other participants and acknowledged that shots were fired from it, although he denied being the shooter.

PROCEDURAL HISTORY

Buckingham was tried in district court and convicted on nine of twelve submitted counts. The district court imposed life imprisonment without the possibility of parole, consecutive 180-month terms, and concurrent 243-month terms. Buckingham appealed, challenging suppression of his police statements, sufficiency of the evidence, the statutory maximum sentence, and alleged prosecutorial misconduct. The Minnesota Supreme Court affirmed the convictions and modified the three 243-month sentences to 240 months each.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

None. The convictions were affirmed, and the three 243-month sentences for attempted first-degree drive-by shooting murder were reduced to 240 months each.

CASES CITED

- State v. Scales, 518 N.W.2d 587, 592 (Minn. 1994)
- State v. Inman, 692 N.W.2d 76, 79-81 (Minn. 2005)
- State v. Thaggard, 527 N.W.2d 804, 807 (Minn. 1995)
- State v. Gauster, 752 N.W.2d 496, 502 (Minn. 2008)
- State v. Jordan, 742 N.W.2d 149, 152 (Minn. 2007)
- State v. Mattson, 357 N.W.2d 344, 345 (Minn. 1984)
- Edwards v. Arizona, 451 U.S. 477, 484, 101 S. Ct. 1880, 68 L. Ed. 2d 378 (1981)
- State v. Howard, 324 N.W.2d 216, 221 (Minn. 1982)
- State v. Clark, 738 N.W.2d 316, 337-342 (Minn. 2007)
- State v. Ford, 539 N.W.2d 214, 224-25 (Minn. 1995)
- State v. Merrill, 274 N.W.2d 99, 111 (Minn. 1978)
- State v. Steinbuch, 514 N.W.2d 793, 799 (Minn. 1994)
- State v. Thompson, 273 Minn. 1, 36, 139 N.W.2d 490, 515 (1966)
- State v. Pierson, 530 N.W.2d 784, 787 (Minn. 1995)
- State v. Burch, 284 Minn. 300, 313, 170 N.W.2d 543, 552 (1969)

- Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004)
- State v. Leja, 684 N.W.2d 442, 450 (Minn. 2004)
- State v. Spain, 590 N.W.2d 85, 90 (Minn. 1999)
- State v. Ramey, 721 N.W.2d 294, 302 (Minn. 2006)
- State v. Ferguson, 581 N.W.2d 824, 827-28, 834-35 (Minn. 1998)

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