

SUPREME COURT OF UTAH

State v. Stubbs, 2005 UT 65

123 P.3d 407 (Utah 2005) · No. No. 20040108 · Decided September 30, 2005

SUMMARY

The Utah Supreme Court affirmed the reversal of Parley Parker Pratt Stubbs's rape conviction and remanded for a new trial in a different venue. The court held that post-conviction venue review is governed by whether the defendant was actually tried by a fair and impartial jury under State v. Widdison, while the factors from State v. James may also inform that analysis. The court concluded that the extensive connections between jurors and the victim's family or prosecution witnesses prevented a fair and impartial jury from being assembled in Beaver County.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Nehring; Chief Justice Durham; Justice Durrant; Justice Parrish; Justice Wilkins
JURISDICTION	Utah
DECIDED	September 30, 2005
DOCKET	No. 20040108
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Utah Supreme Court granted certiorari to review the Utah Court of Appeals' reversal of Stubbs's conviction and remand for a new trial based on the denial of his motion for a change of venue.
STANDARD OF REVIEW	A trial court's decision to grant or deny a motion to change venue is reviewed for abuse of discretion. On certiorari, the Utah Supreme Court reviews the court of appeals' conclusions of law for correctness.
PRECEDENTIAL VALUE	Published and precedential Utah Supreme Court opinion
PARTIES	State of Utah v. Parley Parker Pratt Stubbs

TOPICS

- criminal procedure
- jury selection
- appellate procedure
- appellate jurisdiction
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a post-conviction appeal challenging denial of a pretrial change-of-venue motion should be evaluated under the retrospective Widdison test, the predictive James test, or both.
2. Whether Stubbs was tried by a fair and impartial jury despite the selected jurors' connections to the victim's family and prosecution witnesses.
3. Whether the trial court abused its discretion by denying the change-of-venue motion.

HOLDINGS

1. The proper framework is the Widdison inquiry into whether the defendant was actually tried by a fair and impartial jury because the jury was impaneled and the case proceeded to verdict. The James factors are not exclusive of that inquiry and may also be used as relevant guidance in assessing the jury's ultimate impartiality.
2. Stubbs did not receive a fair and impartial jury because the selected jury remained populated with jurors who personally knew members of the victim's family or prosecution witnesses, and the jury pool was sufficiently tainted that a fair and impartial jury could not be assembled in Beaver County.

KEY QUOTATIONS

“Therefore, we hold that both at trial and on appeal from a jury verdict, courts may use James as part of their Widdison analysis when determining whether a defendant received a fair and impartial trial.” (412)

“We hold that where a jury has been impaneled, the proper framework for an analysis of impartiality is the question of whether the jury was in fact fair and impartial, as stated in State v. Widdison, 2001 UT 60, ¶ 38, 28 P.3d 1278.” (414)

FACTUAL BACKGROUND

Stubbs was charged with rape and forcible sexual abuse in Beaver, Utah, involving a seventeen-year-old alleged victim whose family members were prominent and well regarded in the small community. Stubbs was a nonresident working a temporary construction job in Beaver. During voir dire, many prospective jurors reported relationships with the victim's family or prosecution witnesses, and four of the eight selected jurors had such connections. The trial court nevertheless denied the venue motion and proceeded with the trial.

PROCEDURAL HISTORY

Stubbs was charged in Beaver County with rape and forcible sexual abuse. The trial court denied his change-of-venue motion during jury selection, and he was convicted of rape, acquitted of forcible sexual abuse, and sentenced to five years to life. The Utah Court of Appeals reversed and remanded for a new trial, directing the trial court to grant the venue motion. The Utah Supreme Court affirmed the result on alternate grounds and remanded for a new trial in a different venue.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Grant Stubbs's motion for a change of venue and conduct a new trial in a different venue.

CASES CITED

- State v. James, 767 P.2d 549 (Utah 1989)
- State v. Widdison, 2001 UT 60, 28 P.3d 1278
- State v. Lafferty, 749 P.2d 1239 (Utah 1988)
- State v. Geukgeuzian, 2004 UT 16, 86 P.3d 742
- State v. Johnson, 774 P.2d 1141 (Utah 1989)
- State v. Gray, 851 P.2d 1217 (Utah Ct. App. 1993), cert. denied, 860 P.2d 943 (Utah 1993)
- State v. Stubbs, 2004 UT App 3, 84 P.3d 837