

SUPREME COURT OF DELAWARE

Banks v. State

93 A.3d 643 (Del. 2014) · Decided May 22, 2014

SUMMARY

The Delaware Supreme Court affirmed Nathaniel Banks’s convictions for third-degree assault, carrying a concealed deadly weapon, and two counts of endangering the welfare of a child. The court held that the trial court properly excluded or limited testimony concerning the alleged victim’s prior threats and statements, and that Banks was not denied his constitutional right to present a defense.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Holland, Justice; Berger; Holland; Ridgely
JURISDICTION	Delaware
DECIDED	May 22, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from final Superior Court judgments entered after a jury convicted Banks of assault in the third degree, carrying a concealed deadly weapon, and two counts of endangering the welfare of a child.
STANDARD OF REVIEW	Relevancy under Delaware Rules of Evidence 401 and unfair prejudice under Rule 403 are reviewed for abuse of discretion. Constitutional claims concerning evidentiary rulings are reviewed de novo. Even an erroneous exclusion of evidence warrants reversal only if it caused significant prejudice denying a fair trial.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Nathaniel Banks v. State of Delaware

TOPICS

- character evidence
- evidence
- sixth amendment
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- evidence
- constitutional criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion under Delaware Rules of Evidence 401, 402, 403, 404, and 608 by excluding or limiting testimony concerning Saunders's threats and post-incident statement.
2. Whether the evidentiary rulings violated Banks's constitutional right to present a favorable defense under the Sixth Amendment.
3. Whether any assumed evidentiary error caused significant prejudice requiring reversal.

HOLDINGS

1. The trial court properly excluded the testimony that Saunders threatened to assault Fewes because the threat showed, at most, bias against Fewes and did not make it more likely that Saunders attacked Banks or fabricated her accusation against him.
2. The trial court properly excluded Wescott's testimony that Saunders said Banks would get what he deserved because the statement had minimal relevance to Saunders's credibility or motive to testify falsely and its probative value was substantially outweighed by the danger of confusing the issues.
3. The evidentiary rulings did not violate Banks's constitutional right to present a favorable defense because the excluded evidence was irrelevant or confusing, and Banks retained sufficient evidence to present his self-defense theory and challenge Saunders's credibility.
4. Even assuming that the Superior Court abused its discretion in excluding either witness's testimony, Banks did not show significant prejudice sufficient to deny him a fair trial or require reversal.

KEY QUOTATIONS

“The United States Constitution permits judges “to exclude [defense] evidence that is repetitive ..., only marginally relevant or poses an undue risk of harassment, prejudice [or] confusion of the issues.”” (651-652)

“We hold that the Superior Court properly excluded testimony proffered by the defense that was either irrelevant or the probative value of which was substantially outweighed by the danger of confusion.” (652)

FACTUAL BACKGROUND

Banks and Paulette Saunders were dating when Saunders learned that Banks was having sexual relationships with other women. On September 16, 2012, after the couple argued about Banks's infidelities and their relationship, Saunders alleged that Banks threatened her with a knife and repeatedly punched her; Banks denied the assault and claimed that Saunders attacked him and that he acted only in self-defense. Banks sought to introduce testimony from Marjorie Wescott and Shalontay Fewes about Saunders's prior statements, threats, and conduct toward women associated with Banks.

PROCEDURAL HISTORY

After a jury trial in the Superior Court, Banks was convicted of four offenses. On direct appeal, he argued that the trial court abused its discretion by excluding or limiting testimony concerning prior acts and statements of the complainant, thereby violating his right to present a defense. The Supreme Court of Delaware rejected the claim and affirmed the judgments.

DISPOSITION

affirmed

CASES CITED

- Smith v. State, 913 A.2d 1197, 1232 (Del. 2006)
- Lampkins v. State, 465 A.2d 785, 790 (Del. 1983)
- Harper v. State, 970 A.2d 199, 201 (Del. 2009)
- Allen v. State, 878 A.2d 447, 450 (Del. 2005)
- Gallaway v. State, 65 A.3d 564, 569 (Del. 2013)
- Weber v. State, 457 A.2d 674, 680 (Del. 1983)
- Jackson v. State, 600 A.2d 21, 24 (Del. 1991)
- Holmes v. South Carolina, 547 U.S. 319, 126 S.Ct. 1727, 164 L.Ed.2d 503 (2006)
- United States v. James, 609 F.2d 36, 47 (2d Cir. 1979)
- Turner v. State, 5 A.3d 612, 615 (Del. 2010)