

SUPREME COURT OF NORTH CAROLINA

State v. Augustine, 359 N.C. 709

616 S.E.2d 515 (2005) · No. No. 130A03 · Decided August 19, 2005

SUMMARY

The Supreme Court of North Carolina reviewed Quintel Augustine's first-degree murder conviction and death sentence for the killing of Fayetteville Police Officer Roy Gene Turner, Jr. The court addressed claims involving Batson jury selection, admission of evidence and prior misconduct, ineffective assistance of counsel, and prosecutorial closing argument. The excerpt reflects that the court overruled the assignments of error discussed and denied the motion for appropriate relief.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Edmunds, Justice; Brady, Justice; Newby, Justice
JURISDICTION	North Carolina
DECIDED	August 19, 2005
DOCKET	No. 130A03
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right from a judgment imposing a death sentence after his conviction for first-degree murder. The Supreme Court of North Carolina reviewed the guilt-phase, sentencing-phase, ineffective-assistance, jury-instruction, constitutional, and proportionality issues raised on appeal.
STANDARD OF REVIEW	The court applied issue-specific standards, including clear-error review to the trial court's Batson prima facie determination, plain-error review for unpreserved evidentiary and closing-argument claims, abuse-of-discretion review for the challenged sentencing argument, de novo application of constitutional and legal rules, prejudice review for ineffective-assistance claims, and statutory proportionality review under N.C.G.S. § 15A-2000(d)(2).
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of North Carolina
PARTIES	Quintel Augustine v. State of North Carolina

TOPICS

criminal procedure jury selection evidence sentencing

PRACTICE AREAS

criminal law criminal procedure capital sentencing constitutional law evidence appellate procedure
ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the trial court erred in finding that defendant failed to make a prima facie showing of racial discrimination under Batson when the State exercised a peremptory challenge against an African-American prospective juror.
2. Whether the admission of evidence concerning defendant's prior misconduct during cross-examination constituted plain error.
3. Whether trial counsel was ineffective for failing to object to the prior-misconduct questioning and request a limiting instruction.
4. Whether testimony that a witness's girlfriend and children feared defendant was improperly admitted and whether the objection was preserved.
5. Whether the prosecutor's guilt-phase closing arguments required intervention ex mero motu.
6. Whether the trial court erred by refusing defendant's requested special instruction concerning a prosecution witness's potential interest in avoiding habitual-felon prosecution.
7. Whether evidence of defendant's threatening statements in jail was improperly admitted during sentencing and prejudiced the sentencing determination.
8. Whether defense counsel rendered ineffective assistance by stating during sentencing argument that defendant would feel no pain if executed.
9. Whether the prosecutor's sentencing arguments concerning defendant's lack of remorse and describing him as a despicable human being required reversal.
10. Whether the short-form murder indictment was sufficient to support a first-degree-murder conviction and death sentence.
11. Whether the sentencing instructions and North Carolina capital-sentencing scheme violated state or federal constitutional requirements.
12. Whether the death sentence was excessive or disproportionate under N.C.G.S. § 15A-2000(d)(2).

HOLDINGS

1. The trial court did not clearly err in finding that defendant failed to establish a prima facie case that the State's peremptory challenge was racially discriminatory.
2. The prosecutor's cross-examination of defendant concerning twenty-two alleged prior incidents of misconduct did not constitute plain error.

3. Defendant failed to establish ineffective assistance because he could not show a reasonable probability that the result would have been different absent counsel's alleged errors.
4. The objection to testimony that a witness's girlfriend and children feared defendant was waived, and the testimony was independently admissible as relevant evidence concerning the circumstances and aftermath of the crime.
5. The challenged guilt-phase closing arguments were not so grossly improper as to require the trial court to intervene ex mero motu.
6. The trial court did not err by refusing defendant's oral request for a special instruction concerning a witness's potential habitual-felon interest because the requested instruction was not submitted in writing and the instruction given adequately conveyed the substance of the request.
7. Even assuming the evidence of defendant's threatening jail statements was improperly admitted, defendant was not entitled to a new sentencing proceeding because he failed to establish prejudice.
8. The short-form murder indictment was sufficient to charge first-degree murder and did not deprive the trial court of jurisdiction to impose the death penalty; the challenged capital-sentencing instructions and procedures were constitutional and legally proper under controlling North Carolina precedent.
9. The death sentence was neither excessive nor disproportionate.

KEY QUOTATIONS

"In analyzing a claim that the State impermissibly excluded jurors on the basis of race, the United States Supreme Court established a three-part test in Batson" (616 S.E.2d 521)

"Plain error is applied cautiously and only in exceptional cases" (616 S.E.2d 522)

"The jury found the aggravating circumstance that defendant committed murder "against a law-enforcement officer ... while engaged in the performance of his official duties."" (616 S.E.2d 535)

"Based upon the foregoing, we conclude that defendant received a fair trial and capital sentencing proceeding, free from prejudicial error." (616 S.E.2d 537)

FACTUAL BACKGROUND

Fayetteville Police Officer Roy Gene Turner Jr. was shot while investigating activity near Moore and Hillsboro Streets. Three eyewitnesses testified that Quintel Augustine drew and fired a pistol at Turner, who was shot in the head and shoulder; forensic evidence linked recovered casings and bullet fragments to a .380-caliber firearm. Augustine denied being the shooter and attempted to implicate another person.

PROCEDURAL HISTORY

Defendant was indicted on 25 February 2002 for the killing of Fayetteville Police Officer Roy Gene Turner Jr. A jury found defendant guilty of first-degree murder based on malice, premeditation, and deliberation and recommended death after a capital sentencing proceeding. The trial court entered judgment on 22 October 2002; the Supreme Court of North Carolina found no prejudicial error and upheld the conviction and death sentence.

DISPOSITION

affirmed

CASES CITED

- Batson v. Kentucky, 476 U.S. 79 (1986)
- State v. Barden, 356 N.C. 316, 572 S.E.2d 108 (2002)
- State v. Nicholson, 355 N.C. 1, 558 S.E.2d 109 (2002)
- State v. Bell, 359 N.C. 1, 603 S.E.2d 93 (2004)
- State v. Odom, 307 N.C. 655, 300 S.E.2d 375 (1983)
- State v. Jones, 355 N.C. 117, 558 S.E.2d 97 (2002)
- State v. Cummings, 346 N.C. 291, 488 S.E.2d 550 (1997)
- State v. Lyons, 340 N.C. 646, 459 S.E.2d 770 (1995)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Braswell, 312 N.C. 553, 324 S.E.2d 241 (1985)
- State v. Nobles, 350 N.C. 483, 515 S.E.2d 885 (1999)
- State v. Sharpe, 344 N.C. 190, 473 S.E.2d 3 (1996)
- State v. Smith, 359 N.C. 199, 607 S.E.2d 607 (2005)
- State v. Golphin, 352 N.C. 364, 533 S.E.2d 168 (2000)
- State v. Wiley, 355 N.C. 592, 565 S.E.2d 22 (2002)
- State v. McNeill, 346 N.C. 233, 485 S.E.2d 284 (1997)
- State v. Watson, 294 N.C. 159, 240 S.E.2d 440 (1978)
- State v. Hunt, 357 N.C. 257, 582 S.E.2d 593 (2003)
- State v. Squires, 357 N.C. 529, 591 S.E.2d 837 (2003)
- State v. King, 353 N.C. 457, 546 S.E.2d 575 (2001)
- State v. Payne, 337 N.C. 505, 448 S.E.2d 93 (1994)
- State v. McCollum, 334 N.C. 208, 433 S.E.2d 144 (1993)
- State v. Rogers, 316 N.C. 203, 341 S.E.2d 713 (1986)