

DISTRICT OF COLUMBIA COURT OF APPEALS

Newman v. United States

824 A.2d 40 (D.C. 2003) · Decided May 7, 2003

SUMMARY

The District of Columbia Court of Appeals granted rehearing in part and amended its prior opinion concerning the admissibility of evidence related to an earlier robbery under Winfield. The court clarified that such evidence should not be excluded based on jury confusion unless its relevance is marginal and its probative value is substantially outweighed by that concern, and it remanded for a new trial.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Farrell; Glickman; Reid; Ruiz; Schwelb; Steadman; Terry; Wagner; Washington
JURISDICTION	District of Columbia
DECIDED	May 7, 2003
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The court considered the appellee's petition for rehearing or rehearing en banc concerning the court's prior opinion, reported at 810 A.2d 918 (D.C. 2002). The merits division granted rehearing to amend specified portions of that opinion and denied rehearing en banc as moot.
STANDARD OF REVIEW	Abuse of discretion for the trial court's evidentiary balancing and exclusion of the proffered Winfield evidence.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Newman v. United States

TOPICS

- evidence
- relevance
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly excluded the proffered evidence concerning the earlier robbery under Winfield.
2. Whether concerns about jury confusion and a trial-within-a-trial outweighed the probative value of otherwise admissible Winfield evidence.
3. Whether the court's prior opinion should be amended on rehearing.

HOLDINGS

1. The trial court abused its discretion by excluding any evidence of the earlier robbery because it undervalued the evidence's relevance and consequently overemphasized the risks of jury distraction and a trial-within-a-trial.
2. Evidence otherwise admissible under Winfield should not be excluded based on fear of jury confusion unless its relevance is marginal and its probative value is substantially outweighed by a reasoned fear of jury confusion.

KEY QUOTATIONS

“Because the trial court on remand undervalued the relevance of the proffered Winfield evidence, it accordingly overemphasized the risk of jury distraction and trial-within-a-trial that the evidence would create, matters Winfield held can normally be dealt with by ‘limit[at]ions on] the number of witnesses and the extent of their testimony bearing upon the issue.’” (41)

“For that reason, the court abused its discretion in excluding any evidence of the earlier robbery, and we must reverse and remand for a new trial.” (41)

FACTUAL BACKGROUND

The source is a rehearing order and does not set out the underlying factual record in detail. It indicates that the proffered evidence concerned an earlier robbery and was offered as Winfield evidence relevant to the defense. The trial court excluded the evidence based in part on concerns about jury confusion and the creation of a trial-within-a-trial.

PROCEDURAL HISTORY

The prior appellate opinion addressed the exclusion of evidence concerning an earlier robbery under Winfield. On rehearing, the court amended its reasoning and disposition, concluding that the trial court abused its discretion by excluding the evidence and that reversal and remand for a new trial were required. The petition for rehearing en banc was denied as moot, without prejudice to a new petition directed to the amended opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse and remand for a new trial, with the trial court to permit the otherwise admissible evidence of the earlier robbery subject to appropriate evidentiary management consistent with Winfield.

CASES CITED

- Winfield, 676 A.2d at 5
- Johnson v. United States, 683 A.2d 1087, 1100 (D.C. 1996) (en banc)
- Newman v. United States, 810 A.2d 918 (D.C. 2002)

OPINION

PER CURIAM.

ORDER PER CURIAM. On consideration of appellee's petition for rehearing or rehearing en banc, and the opposition thereto, it is ORDERED by the merits division * that the petition for rehearing is granted to the extent that the court's opinion in these appeals, reported at 810 A.2d 918 (D.C.2002), is amended as follows: 1.

The first full sentence in the second column of 810 A.2d at 920 ('Where, as here, the Winfield evidence...it must be admitted.') is deleted. The following sentence is substituted for the deleted sentence: Because the court undervalued the relevance of Samuels' Winfield evidence, it *41overstated the risks of jury confusion and a mini-trial that admission of the evidence would create, matters we have held can normally be dealt with by jury instructions, as well as limitations on the number of witnesses and the extent of their testimony bearing on the issue.

See Winfield, 676 A.2d at 5. 2.. The first sentence of the full paragraph in the second column of 810 A.2d at 923 ("The trial court also erred by ruling...from a trial-within-a-trial.") is deleted. The following sentence is substituted for the deleted sentence: The trial court's alternative ruling that the risk of jury confusion from a trial-within-a-trial outweighed the probative value of the proffered evidence also cannot be sustained.

3. The fifth sentence in the full paragraph in the second column of 810 A.2d at 923 is amended by deleting the phrase, "...it may not exclude otherwise admissible Winfield evidence based solely on a fear of jury confusion," and substituting the following phrase for the deleted language:... evidence otherwise admissible under Winfield should not be excluded based on the fear of jury confusion unless its relevance is indeed "marginal," which is not so here for the reasons stated, and its probative value is "substantially outweighed" by a reasoned fear of jury confusion.

Johnson v. United States, 683 A.2d 1087, 1100 (D.C.1996) (en banc). 4. The sixth sentence in the full paragraph in the second column of 810 A.2d at 923 ("The requirement that evidence...is sufficient to overcome the concern that the jury may be distracted from the issue of whether this defendant is guilty or not.") is deleted. 5.The full paragraph in the first column of 810 A.2d at 924,

composed of two sentences (“On remand, the trial court’s balancing of probative value...interest of the defense at stake.

We therefore conclude... and reverse and remand for a new trial”) is deleted. The following paragraph is substituted for the deleted paragraph: Because the trial court on remand undervalued the relevance of the proffered Winfield evidence, it accordingly overemphasized the risk of jury distraction and trial-within-a-trial that the evidence would create, matters Winfield held can normally be dealt with by ‘limit[ations on] the number of witnesses and the extent of their testimony bearing upon the issue.’ 676 A.2d at 5.

For that reason, the court abused its discretion in excluding any evidence of the earlier robbery, and we must reverse and remand for a new trial. It is FURTHER ORDERED that the petition for rehearing en banc is denied as moot, without prejudice to the filing of a petition for rehearing en banc directed to the changes in the opinion of the court as stated in this order.