

SUPREME COURT OF SOUTH CAROLINA

State v. Saltz, 346 S.C. 114

551 S.E.2d 240 (2001) · No. No. 25337 · Decided August 6, 2001

SUMMARY

The South Carolina Supreme Court reviewed Michael Paul Saltz's murder conviction and held that the trial court committed reversible error in admitting a prior consistent statement and irrelevant or prejudicial evidence. The court also held that the defendant was improperly denied the opportunity to present corroborating testimony concerning a defense witness's prior consistent statement, while upholding the admission of his statements to police as voluntary and the limitation on a proposed bias-related cross-examination. The conviction was reversed and a new trial was ordered.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Burnett, Justice; Burnett; Toal; Moore; Waller; Pleicones
JURISDICTION	South Carolina
DECIDED	August 6, 2001
DOCKET	No. 25337
DISPOSITION	reversed
PROCEDURAL POSTURE	Michael Paul Saltz appealed his murder conviction to the Supreme Court of South Carolina, challenging evidentiary rulings, limits on cross-examination, admission of his police statements, and denial of his motion for a directed verdict.
STANDARD OF REVIEW	Evidentiary rulings concerning prior consistent statements and relevance are reviewed for abuse of discretion, although an erroneous legal interpretation of Rule 801(d)(1)(B) constitutes an error of law. Limitations on cross-examination are reviewed for manifest abuse of discretion. Voluntariness findings are reviewed for abuse of discretion and are upheld if supported by any evidence. A directed-verdict ruling is reviewed by viewing the evidence in the light most favorable to the State.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Michael Paul Saltz v. The State

TOPICS

criminal procedure evidence hearsay relevance sixth amendment

PRACTICE AREAS

criminal procedure evidence constitutional criminal procedure criminal trial

QUESTIONS PRESENTED

1. Whether the trial court improperly admitted a prior consistent statement of prosecution witness Sydney Johnston when the defense had challenged only the accuracy of her memory through questioning about a prior inconsistent statement.
2. Whether the trial court improperly excluded testimony from Buddy Hancock concerning a prior consistent statement by defense witness Tina Ashford after the State had charged Ashford with recent fabrication and improper motive.
3. Whether the trial court improperly admitted Saltz's school attendance record and testimony concerning a witness's emotional reaction to evidence about the victim.
4. Whether limiting cross-examination of Shasta Mengedoht violated Saltz's right to confront witnesses or improperly restricted inquiry into bias.
5. Whether Saltz's statements to police were involuntary under Miranda and due process principles.
6. Whether the State presented sufficient evidence of the corpus delicti of murder to withstand Saltz's motion for a directed verdict.

HOLDINGS

1. Questioning a witness about a prior inconsistent statement, without an express or implied charge of recent fabrication or improper influence or motive, does not satisfy Rule 801(d)(1)(B), SCRE, and does not permit admission of the witness's prior consistent statement.
2. When the State charges a defense witness with recent fabrication and improper motive, Rule 801(d)(1)(B), SCRE, permits the defense to introduce a prior consistent statement made before the alleged fabrication or motive arose, absent a valid basis for exclusion.
3. Evidence that a defendant was absent from school on a date not shown to have any significance to the charged homicide is irrelevant, and testimony concerning a witness's emotional reaction to the victim's disappearance is inadmissible when it does not make any consequential fact more or less probable and serves primarily to arouse jury sympathy or prejudice.
4. The trial court properly excluded a proposed question asking a witness whether she would choose loyalty to her friend or protection of her son because the question did not elicit a fact tending to show bias and was inappropriate under the circumstances.
5. The trial court properly admitted Saltz's statements because the State established that he received Miranda warnings, knowingly and intelligently waived his rights, and made the statements voluntarily under the totality of the circumstances.

6. The trial court properly denied the directed-verdict motion because circumstantial evidence, viewed in the light most favorable to the State, was sufficient to establish the corpus delicti of murder and support submission of the case to the jury.

KEY QUOTATIONS

“The plain language of Rule 801(d)(1)(B) only permits evidence of a prior consistent statement when the witness has been charged with recent fabrication or improper motive or influence.” (124)

“This does not mean, however, that trial courts conducting criminal trials lose their usual discretion to limit the scope of cross-examination.” (131)

“Although appellant's youth and the length of questioning are certainly important factors for the trial court to consider in determining whether appellant's statement was voluntary, the trial court correctly ruled the statements voluntary under the totality of the circumstances.” (137)

FACTUAL BACKGROUND

Twelve-year-old Joseph Barefoot disappeared on May 25, 1997, and his skeletal remains were discovered in a wooded area on September 16, 1997. Several of Saltz's teenage friends gave statements implicating him, and Saltz gave police seven contradictory statements, including a final statement admitting that he struck Joseph, tied him to a tree with black nylon cord, and left him there. A black nylon cord was found tied around a tree near Joseph's remains. Saltz was convicted of murder.

PROCEDURAL HISTORY

Saltz was convicted of murdering twelve-year-old Joseph Barefoot. The trial court admitted the challenged evidence and statements, limited the proposed cross-examination, and denied the directed-verdict motion. The Supreme Court of South Carolina reversed the conviction and ordered a new trial based principally on erroneous evidentiary rulings concerning prior consistent statements and irrelevant, prejudicial evidence.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The conviction was reversed, requiring a new trial; the opinion does not provide additional specific remand instructions.

CASES CITED

- State v. Tucker, 319 S.C. 425, 462 S.E.2d 263 (1995)
- Burns v. Clayton, 237 S.C. 316, 336-37, 117 S.E.2d 300, 310 (1960)
- Tome v. United States, 513 U.S. 150, 157, 115 S. Ct. 696, 130 L. Ed. 2d 574 (1995)
- Jolly v. State, 314 S.C. 17, 21, 443 S.E.2d 566, 569 (1994)

- State v. Cabbagestalk, 281 S.C. 35, 314 S.E.2d 10 (1984)
- State v. Kelly, 343 S.C. 350, 540 S.E.2d 851 (2001)
- State v. Langley, 334 S.C. 643, 647, 515 S.E.2d 98, 100 (1999)
- State v. Wingo, 304 S.C. 173, 177-78, 403 S.E.2d 322, 325 (Ct. App. 1991)
- State v. Aleksey, 343 S.C. 20, 33, 538 S.E.2d 248, 255 (2000)
- State v. Lynn, 277 S.C. 222, 284 S.E.2d 786 (1981)
- Delaware v. Van Arsdall, 475 U.S. 673, 679-80, 106 S. Ct. 1431, 89 L. Ed. 2d 674 (1986)
- Davis v. Alaska, 415 U.S. 308, 318, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974)
- State v. Graham, 314 S.C. 383, 385-86, 444 S.E.2d 525, 527 (1994)
- State v. Jones, 343 S.C. 562, 541 S.E.2d 813 (2001)
- State v. Brewington, 267 S.C. 97, 101, 226 S.E.2d 249, 250 (1976)
- State v. Starnes, 340 S.C. 312, 325, 531 S.E.2d 907, 914-15 (2000)
- State v. Fossick, 333 S.C. 66, 508 S.E.2d 32 (1998)
- Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- Dickerson v. United States, 530 U.S. 428, 120 S. Ct. 2326, 147 L. Ed. 2d 405 (2000)
- State v. Washington, 296 S.C. 54, 370 S.E.2d 611 (1988)
- Schneckloth v. Bustamonte, 412 U.S. 218, 225, 93 S. Ct. 2041, 36 L. Ed. 2d 854 (1973)
- State v. Linnen, 278 S.C. 175, 293 S.E.2d 851 (1982)
- State v. Peake, 291 S.C. 138, 139, 352 S.E.2d 487, 488 (1987)
- State v. Kennedy, 333 S.C. 426, 429, 510 S.E.2d 714, 715 (1998)
- State v. Wilson, 345 S.C. 1, 545 S.E.2d 827 (2001)
- State v. Brown, 103 S.C. 437, 88 S.E. 21 (1916)
- State v. Martin, 47 S.C. 67, 25 S.E. 113 (1896)
- State v. Owens, 293 S.C. 161, 359 S.E.2d 275 (1987)
- Brown v. State, 307 S.C. 465, 467-68, 415 S.E.2d 811, 812 (1992)
- State v. Robinson, 310 S.C. 535, 538, 426 S.E.2d 317, 319 (1993)
- State v. Rowell, 326 S.C. 313, 487 S.E.2d 185 (1997)