

SUPREME COURT OF SOUTH CAROLINA

State v. Blackwell

420 S.C. 127 (2017) · Decided May 31, 2017

SUMMARY

The South Carolina Supreme Court reviewed Ricky Lee Blackwell’s convictions for kidnapping and murder and his death sentence in a consolidated direct appeal and mandatory review. The court addressed his Atkins-based claim of intellectual disability, juror qualification, Batson challenge, use of privileged mental-health records for cross-examination, admission of remorse evidence, and penalty-phase jury instructions. The court affirmed the convictions and sentence of death.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Beatty; Beatty; Few; Hearn; Kittredge; Pleicones
JURISDICTION	South Carolina
DECIDED	May 31, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated direct appeal and mandatory review of convictions for kidnapping and murder and a sentence of death.
STANDARD OF REVIEW	The court reviews criminal cases for errors of law, is bound by factual findings unless an abuse of discretion is shown, and reviews an Atkins determination under whether it is supported by the evidence and not against its preponderance. Juror qualification is reviewed for abuse of discretion and is not reversible unless wholly unsupported by the evidence. Batson findings regarding purposeful discrimination are reviewed for clear error. Confrontation Clause and evidentiary errors are subject to harmless-error review.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ricky Lee Blackwell v. State of South Carolina

TOPICS

- sentencing
- cruel and unusual punishment
- criminal procedure
- jury selection
- hearsay

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred in finding Blackwell eligible for the death penalty after a pretrial Atkins hearing.
2. Whether the trial court improperly qualified a capital juror for service.
3. Whether the State's peremptory strikes of two African-American male jurors violated Batson and the Fourteenth Amendment.
4. Whether Blackwell's right of confrontation required access to and review of a State witness's privileged mental-health records.
5. Whether the trial court improperly excluded hospital chaplains' notes offered as mitigation evidence of remorse.
6. Whether the penalty-phase jury instructions improperly allocated the burden and standard of proof concerning mental retardation.
7. Whether the death sentence was excessive or disproportionate under South Carolina's mandatory proportionality review.

HOLDINGS

1. A trial judge's pretrial determination whether a capital defendant is mentally retarded and therefore ineligible for the death penalty is upheld if supported by the evidence and not against its preponderance.
2. The trial court did not err in finding that Blackwell failed to prove by a preponderance of the evidence that he was mentally retarded and therefore ineligible for the death penalty.
3. The trial court did not abuse its discretion in refusing to excuse Juror 43 for cause.
4. The trial court correctly denied Blackwell's Batson challenge because he failed to prove that the State's race-neutral reasons for striking Jurors 45 and 79 were pretextual.
5. When a criminal defendant makes a preliminary showing sufficient to establish a reasonable belief that a prosecution witness's privileged mental-health records contain exculpatory or credibility evidence, the trial judge must conduct the statutory consent inquiry and, absent consent, review the records in camera to determine whether disclosure is necessary.
6. The trial court erred by failing to conduct the required in-camera review and by refusing to review or accept the records at trial, but the error was harmless.
7. The chaplains' notes were properly excluded because they contained inadmissible subjective opinions and judgments under the business-records exception; alternatively, any error was harmless because the evidence of remorse was cumulative.
8. When a capital defendant raises mental retardation during the penalty phase, the defendant bears the burden of proving mental retardation by a preponderance of the evidence. If the jury finds the defendant is not mentally retarded, it may still consider evidence of mental retardation as mitigation without imposing any burden or standard of proof on the defendant for determining mitigating circumstances.

9. The death sentence was not imposed because of passion, prejudice, or an arbitrary factor, was supported by the aggravating circumstances, and was neither excessive nor disproportionate compared with similar cases.

KEY QUOTATIONS

“We conclude that a trial judge’s ruling regarding an Atkins determination will be upheld on appeal if supported by the evidence and not against its preponderance.” (140)

“By doing so, the trial court discounted Blackwell’s right to confrontation and erroneously found that a witness’s right to privacy and statutory privilege are absolute.” (154)

“Specifically, when a capital defendant raises an Atkins claim during the penalty phase, the trial judge should instruct the jury that: (1) the defendant has the burden of proving he or she is mentally retarded by the preponderance of the evidence; (2) a determination that the defendant is mentally retarded eliminates further deliberation regarding the imposition of the death penalty; (3) a finding that the defendant is not mentally retarded permits the jury to consider evidence of mental retardation in order to determine the existence of other statutory mitigating circumstances, in particular those involving the mental health and mentality of the defendant at the time of the crime; and (4) it should determine the existence of evidence of a mitigating circumstance without concern for a standard of proof.” (168)

FACTUAL BACKGROUND

Blackwell’s wife left him for Bobby Center after a twenty-six-year marriage. On July 8, 2009, Blackwell encountered his eight-year-old former step-granddaughter, Heather Brooke Center, at his daughter’s home, held her at gunpoint, and fatally shot her before fleeing and attempting suicide. He later made inculpatory statements to law-enforcement officers. The trial court and jury rejected his claim of mental retardation and he was sentenced to death.

PROCEDURAL HISTORY

A Spartanburg County grand jury indicted Blackwell for kidnapping and murder, and the State sought the death penalty. After a pretrial hearing, the trial court found Blackwell had not proved mental retardation by a preponderance of the evidence. A jury convicted him, found him not mentally retarded during the penalty phase, recommended death, and the trial court imposed a death sentence for murder, with the kidnapping sentence subsumed. The South Carolina Supreme Court affirmed the convictions and sentence after reviewing the asserted errors and conducting proportionality review.

DISPOSITION

affirmed

CASES CITED

- Atkins v. Virginia, 536 U.S. 304 (2002)
- Franklin v. Maynard, 356 S.C. 276, 588 S.E.2d 604 (2003)

- Hall v. Florida, Hall v. Florida, 572 U.S. 701 (2014)
- Moore v. Texas, 137 S. Ct. 1039 (2017)
- State v. Laney, 367 S.C. 639, 627 S.E.2d 726 (2006)
- State v. Green, 301 S.C. 347, 392 S.E.2d 157 (1990)
- State v. Woods, 382 S.C. 153, 676 S.E.2d 128 (2009)
- Batson v. Kentucky, 476 U.S. 79 (1986)
- State v. Giles, 407 S.C. 14, 754 S.E.2d 261 (2014)
- State v. Inman, 409 S.C. 19, 760 S.E.2d 105 (2014)
- State v. Oglesby, 298 S.C. 279, 379 S.E.2d 891 (1989)
- Commonwealth v. Barroso, 122 S.W.3d 554 (Ky. 2003)
- State v. Mizzell, 349 S.C. 326, 563 S.E.2d 315 (2002)
- Delaware v. Van Arsdall, 475 U.S. 673 (1986)
- State v. Gracely, 399 S.C. 363, 731 S.E.2d 880 (2012)
- State v. Northcutt, 372 S.C. 207, 641 S.E.2d 873 (2007)
- Green v. Georgia, 442 U.S. 95 (1979)
- Tennard v. Dretke, 542 U.S. 274 (2004)
- Eddings v. Oklahoma, 455 U.S. 104 (1982)
- State v. Downs, 361 S.C. 141, 604 S.E.2d 377 (2004)
- State v. Rogers, 338 S.C. 435, 527 S.E.2d 101 (2000)