

DISTRICT OF COLUMBIA COURT OF APPEALS

Darren Cheeks v. United States

168 A.3d 691 (D.C. 2017) · No. 16-CF-184 · Decided September 7, 2017

SUMMARY

The District of Columbia Court of Appeals affirmed Darren Cheeks's conviction for unarmed assault with significant bodily injury. The court held that evidence of the victim's beating, head injuries, and diagnostic testing supported giving the jury an instruction on unarmed assault with significant bodily injury as a lesser-included offense of armed assault with significant bodily injury. The court also held that the trial judge did not abuse her discretion in responding to the jury's request for clarification concerning aiding and abetting and mens rea.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Glickman, Associate Judge; Fisher, Associate Judge; Reid, Senior Judge
JURISDICTION	District of Columbia
DECIDED	September 7, 2017
DOCKET	16-CF-184
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cheeks appealed his convictions following a jury trial in the Superior Court of the District of Columbia. He challenged the submission of unarmed assault with significant bodily injury as a lesser-included offense and the trial court's response to the jury's request for clarification of the aiding-and-abetting instruction.
STANDARD OF REVIEW	The sufficiency of the evidence supporting a lesser-included-offense instruction was reviewed under the rational-jury standard. The trial court's response to the jury's clarification request was reviewed for abuse of discretion, and the instructions were considered as a whole for prejudicial error.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Darren Cheeks v. United States

TOPICS

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QUESTIONS PRESENTED

1. Whether sufficient evidence supported instructing the jury on unarmed assault with significant bodily injury as a lesser-included offense of assault with significant bodily injury while armed.
2. Whether the trial court abused its discretion by responding to the jury's request for clarification of the aiding-and-abetting instructions by stating that Instruction 3.2 applied to every charged offense, rather than expressly restating the mens rea requirement for unarmed ASBI.

HOLDINGS

1. The evidence was sufficient to permit a rational jury to find that the beating caused significant bodily injury, because repeated blows to the head and extensive bodily injuries required diagnostic testing to evaluate the risk of serious internal injury. The trial court therefore properly instructed the jury on unarmed ASBI as a lesser-included offense.
2. The trial court did not abuse its discretion by informing the jury that Instruction 3.2 on aiding and abetting applied to every charged offense. Read with the written instructions and the separate ASBI mens rea instruction, the response adequately conveyed that the government had to prove the required intent or knowledge for unarmed ASBI as well.

KEY QUOTATIONS

“Blair confirms what Quintanilla intimated: that although a “significant bodily injury” is usually one calling for professional medical treatment to prevent long-term physical damage or avert severe pain, it also may be an injury that poses a manifest risk of such harm and requires diagnostic testing to evaluate the danger and need for treatment – even if the testing reveals that treatment is unnecessary.” (at 698)

“Because that option removed any confusion just as effectively, the trial judge did not abuse her discretion.” (at 701)

FACTUAL BACKGROUND

Michael Harris testified that Plater stabbed him and that, after Harris ran around a corner, Cheeks and another man repeatedly punched him in the face and head, kicked and stomped him, and left him injured. A trauma surgeon testified that Harris had abrasions, bruising, swelling, and other injuries from the beating, and ordered CAT scans of his brain and face to evaluate possible internal head injuries and fractures. Harris was discharged after approximately four hours, without additional medication or medical care.

PROCEDURAL HISTORY

Cheeks was tried jointly with Plater after the aggravated-assault-while-armed charge was reduced to assault with significant bodily injury while armed. The jury acquitted Cheeks of armed ASBI and ADW, convicted him of unarmed ASBI and simple assault, and the trial court noted that the convictions would merge if the ASBI conviction were upheld. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- *Beaner v. United States*, 845 A.2d 525, 540 (D.C. 2004)
- *Blair v. United States*, 114 A.3d 960, 964, 979-80 (D.C. 2015)
- *Quintanilla v. United States*, 62 A.3d 1261, 1264-65 (D.C. 2013)
- *Tucker v. United States*, 871 A.2d 453, 461 (D.C. 2005)
- *Teneyck v. United States*, 112 A.3d 906, 909 n.4 (D.C. 2015)
- *Whitaker v. United States*, 617 A.2d 499, 501 (D.C. 1992)
- *Johnson v. United States*, 398 A.2d 354, 362, 367 (D.C. 1979)
- *Preacher v. United States*, 934 A.2d 363, 368-69 (D.C. 2007) (per curiam)
- *Bollenbach v. United States*, 326 U.S. 607, 612-13 (1946)
- *Bates v. United States*, 834 A.2d 85, 92 (D.C. 2003)
- *Wilson-Bey v. United States*, 903 A.2d 818, 837-38, 843-44 (D.C. 2006) (en banc)
- *Blaine v. United States*, 18 A.3d 766, 780 (D.C. 2011)
- *Alcindore v. United States*, 818 A.2d 152, 155, 158 (D.C. 2003)
- *Gray v. United States*, 79 A.3d 326, 330, 337-38 (D.C. 2013)
- *Vaughn v. United States*, 93 A.3d 1237, 1268 (D.C. 2014)
- *Kitt v. United States*, 904 A.2d 348, 354, 356 (D.C. 2006)
- *Hallmon v. United States*, 722 A.2d 26, 27 (D.C. 1998)
- *Glymph v. United States*, 490 A.2d 1157, 1160 (D.C. 1985)
- *Potter v. United States*, 534 A.2d 943, 946 (D.C. 1987)

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