

SUPREME COURT OF ARKANSAS

Deatria Donyell Hamilton v. State of Arkansas

74 S.W.3d 615, 348 Ark. 532 (2002) · No. CR 01-391 · Decided May 9, 2002

SUMMARY

The Supreme Court of Arkansas affirmed Deatria Donyell Hamilton’s convictions for two counts of capital murder and two sentences of life imprisonment without parole. The court rejected or found unpreserved Hamilton’s challenges concerning death-qualified jurors, impeachment with a prior statement, a crime-scene diagram, a videotape, and references to his prior arrest and incarceration. The court also denied Hamilton’s pro se motion to add a point to his direct appeal and found no reversible error under Arkansas Supreme Court Rule 4-3(h).

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Robert L. Brown
JURISDICTION	Arkansas
DECIDED	May 9, 2002
DOCKET	CR 01-391
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hamilton appealed his convictions for two counts of capital murder and two sentences of life imprisonment without parole, asserting five alleged trial-court errors and later seeking to add a point to his appeal pro se.
STANDARD OF REVIEW	The court reviewed evidentiary rulings and the denial of mistrial for abuse of discretion; unpreserved claims were not reviewable absent a contemporaneous objection; and the death-qualification claim was treated as moot because Hamilton did not receive a death sentence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Deatria Donyell Hamilton v. State of Arkansas

TOPICS

- criminal procedure
- evidence
- appellate procedure
- preservation of error
- standard of review

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Hamilton had standing to challenge the exclusion of prospective jurors who opposed the death penalty when he received life imprisonment without parole rather than a death sentence.
2. Whether the trial court committed reversible error by requiring defense counsel to read additional portions of a prior statement during impeachment of a State witness when Hamilton did not object and acquiesced to the requests.
3. Whether the trial court abused its discretion by admitting a diagram of the crime scene that was not to scale.
4. Whether the trial court abused its discretion by admitting a videotape containing gruesome footage of the crime scene.
5. Whether the trial court abused its discretion by denying mistrial motions after witnesses referred to Hamilton's prior arrest or incarceration.
6. Whether Hamilton should be permitted to add a pro se point after submission of his direct appeal while represented by appointed counsel.

HOLDINGS

1. A defendant who receives life imprisonment without parole, rather than a death sentence, lacks standing to challenge alleged errors concerning the death-qualified composition of the jury.
2. The court will not review an alleged trial-court error that was not preserved by a contemporaneous objection, particularly where defense counsel acquiesced to the challenged action.
3. Admission of demonstrative evidence, including a crime-scene diagram, is within the trial court's broad discretion, and a diagram that is reasonably useful and accompanied by an appropriate limiting instruction is admissible absent prejudicial error.
4. A videotape is admissible when it is relevant, helpful to the jury, and not unfairly prejudicial; the decision is reviewed for abuse of discretion.
5. A trial court does not abuse its discretion by denying a mistrial based on inadvertent references to a defendant's prior arrest or incarceration when appropriate admonitions or cautionary instructions cure the prejudice and the references were not deliberately induced.
6. An appellant represented by counsel on a felony direct appeal may not both accept appointed counsel and submit a pro se brief or supplemental point after submission.

KEY QUOTATIONS

"Because he did not receive a death sentence, he lacks standing to raise errors having to do with the death penalty." (at 618)

"A videotape is admissible if it is relevant, helpful to the jury, and not prejudicial." (at 620)

FACTUAL BACKGROUND

In the early morning of December 23, 1999, James Ellison and Carlos Meeks were found shot to death at Leaders Barber Shop in El Dorado, Arkansas. Jerome Powell testified that Hamilton, Powell, and Kirun Mendenhall entered the shop intending to obtain money, and that Powell shot both victims before the group took money and fled. Hamilton was arrested after Powell's arrest and gave a statement; Hamilton was subsequently convicted of two counts of capital murder.

PROCEDURAL HISTORY

Following a five-day trial, Hamilton was convicted of two counts of capital murder and sentenced to life imprisonment without parole on each count. The Supreme Court of Arkansas reviewed the asserted errors, conducted its required Rule 4-3(h) review, affirmed the judgment, and denied Hamilton's post-submission pro se motion.

DISPOSITION

affirmed

CASES CITED

- Weaver v. State, 305 Ark. 180, 806 S.W.2d 615 (1991)
- Ward v. State, 298 Ark. 448, 770 S.W.2d 109 (1989)
- Bader v. State, 344 Ark. 241, 40 S.W.3d 738 (2001)
- Robinson v. State, 348 Ark. 280, 72 S.W.3d 827 (2002)
- Garrison v. State, 319 Ark. 617, 893 S.W.2d 763 (1995)
- Howell v. Baskins, 213 Ark. 665, 212 S.W.2d 353 (1948)
- Pinson v. State, 210 Ark. 56, 194 S.W.2d 190 (1946)
- Bly v. State, 267 Ark. 613, 593 S.W.2d 450 (1980)
- Jones v. State, 318 Ark. 704, 889 S.W.2d 706 (1994)
- Jefferson v. State, 328 Ark. 23, 941 S.W.2d 404 (1997)
- Hickson v. State, 312 Ark. 171, 847 S.W.2d 691 (1993)
- Williams v. State, 316 Ark. 694, 874 S.W.2d 369 (1994)
- Bradford v. State, 306 Ark. 590, 815 S.W.2d 947 (1991)
- Hodge v. State, 332 Ark. 377, 965 S.W.2d 766 (1998)
- Camargo v. State, 327 Ark. 631, 940 S.W.2d 464 (1997)
- Stanley v. State, 317 Ark. 32, 875 S.W.2d 493 (1994)
- Bennett v. State, 284 Ark. 87, 679 S.W.2d 202 (1984)
- Strawhacker v. State, 304 Ark. 726, 804 S.W.2d 720 (1991)
- Kimble v. State, 331 Ark. 155, 959 S.W.2d 43 (1998)
- Franklin v. State, 327 Ark. 537, 939 S.W.2d 836 (1996) (per curiam)

