

NEW YORK COURT OF APPEALS

The People v. Reginald Powell

27 N.Y.3d 523, 55 N.E.3d 435 (2016) · No. No. 47 · Decided April 5, 2016

SUMMARY

The New York Court of Appeals held that New York's evidentiary standard for admitting third-party culpability evidence, established in *People v. Primo*, is consistent with a defendant's constitutional right to present a complete defense under *Holmes v. South Carolina*. The court affirmed the exclusion of Reginald Powell's speculative and ambiguously presented evidence concerning possible third-party culpability in the murder of Jennifer Katz. The court also rejected Powell's other claims concerning the jury instruction, impeachment evidence, and sentencing.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Judge Garcia; Chief Judge DiFiore; Judge Pigott; Judge Rivera; Judge Abdus-Salaam; Judge Stein; Judge Fahey
JURISDICTION	New York
DECIDED	April 5, 2016
DOCKET	No. 47
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction for first-degree murder and other crimes. The Appellate Division affirmed, and the New York Court of Appeals granted leave to appeal.
STANDARD OF REVIEW	A trial court's determination concerning admissibility of third-party culpability evidence is reviewed for abuse of discretion. The trial court's response to a jury request for instructions is also reviewed for abuse of discretion, and its evidentiary rulings concerning collateral impeachment matters are reviewed under the applicable evidentiary standard.
PRECEDENTIAL VALUE	Published New York Court of Appeals decision; precedential
PARTIES	Reginald Powell v. The People of the State of New York

TOPICS

evidence

sixth amendment

fourteenth amendment

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

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QUESTIONS PRESENTED

1. Whether New York's general evidentiary balancing standard for admitting third-party culpability evidence violates a criminal defendant's Sixth and Fourteenth Amendment right to present a complete defense under *Holmes v. South Carolina*.
2. Whether the trial court abused its discretion by precluding defendant's proposed third-party culpability evidence as speculative and likely to cause undue prejudice, delay, and confusion.
3. Whether the trial court meaningfully responded to the jury's question concerning intent and a failure to assist a critically wounded person.
4. Whether the trial court improperly limited impeachment and extrinsic evidence concerning Warren Powell and whether defendant's sentencing claim was reviewable.

HOLDINGS

1. New York's general evidentiary balancing test for third-party culpability evidence, which weighs probative value against undue prejudice, delay, confusion, and the risk of misleading the jury, does not violate a defendant's constitutional right to present a complete defense.
2. The trial court did not abuse its discretion by precluding defendant's proposed evidence because the proffer, as articulated, was speculative and insufficiently connected any third party to the crime, while presenting risks of undue delay, prejudice, and confusion.
3. The trial court meaningfully responded to the jury's question concerning whether failing to assist a critically wounded person satisfied the intent element of murder.
4. The trial court properly prohibited defendant from calling Warren's sister to contradict Warren on a collateral matter and properly precluded evidence that a witness lied to parole-office employees.

KEY QUOTATIONS

"The Primo standard for third-party culpability evidence does not infringe upon a defendant's constitutional right to present a complete defense." (p. 1)

"courts should "exclude evidence of third-party culpability that has slight probative value and strong potential for undue prejudice, delay and confusion"" (p. 9)

FACTUAL BACKGROUND

Jennifer Katz was murdered in December 2010 after her hands were bound and she was stabbed in the neck. Defendant had performed work for Katz, was seen at her home shortly before the murder, was later found driving her car with her jewelry, and made statements admitting that he had discovered her body and taken the car and jewelry. Forensic and phone-record evidence connected defendant to Katz and the area of the crime.

Defendant sought to introduce evidence suggesting that Katz's former cohabitant, Warren Powell, or unspecified other persons could have committed the murder, but the trial court found the proposed theory speculative.

PROCEDURAL HISTORY

The trial court precluded defendant from presenting proposed third-party culpability evidence concerning Warren Powell and limited related cross-examination and impeachment evidence. A jury convicted defendant of first-degree murder and several other crimes, and he was sentenced to life imprisonment without parole. The Appellate Division affirmed, holding that the proposed third-party culpability evidence was speculative. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Primo, 96 N.Y.2d 351, 354-357 (2001)
- Holmes v. South Carolina, 547 U.S. 319, 321, 324-330 (2006)
- People v. Carroll, 95 N.Y.2d 375, 385 (2000)
- People v. Negron, 26 N.Y.3d 262, 268 (2015)
- People v. Schulz, 4 N.Y.3d 521, 528-529 (2005)
- Greenfield v. People, 85 N.Y. 75 (1881)
- People v. Gamble, 18 N.Y.3d 386, 398-399 (2012)
- People v. Collins, 109 A.D.3d 482, 482-483 (2d Dep't 2013), leave denied, 23 N.Y.3d 1019 (2014)
- People v. Reed, 84 N.Y.2d 945, 947 (1994)
- People v. Steinberg, 79 N.Y.2d 673, 684 (1992)
- People v. Almodovar, 62 N.Y.2d 126, 131-132 (1984)
- People v. Knight, 80 N.Y.2d 845, 847 (1992)