

DISTRICT OF COLUMBIA COURT OF APPEALS

Boddie v. United States

865 A.2d 544 (D.C. 2005) · No. 03-CF-31 · Decided January 13, 2005

SUMMARY

The District of Columbia Court of Appeals affirmed Emery Boddie's conviction for possession of heroin with intent to distribute within a drug-free zone. The court held that the government need prove only that the defendant possessed a controlled substance within the drug-free zone with intent to distribute it somewhere, not necessarily within the zone. The court also concluded that the evidence was sufficient to establish intent to distribute based on the quantity, packaging, purity, and surrounding circumstances.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Reid, Associate Judge; Ruiz, Associate Judge; Glickman, Associate Judge
JURISDICTION	District of Columbia
DECIDED	January 13, 2005
DOCKET	03-CF-31
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury trial and conviction for unlawful possession with intent to distribute heroin within a drug-free zone, Boddie appealed the denial of his motion for judgment of acquittal, arguing that the evidence was insufficient.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the government, recognizing the jury's authority to weigh evidence, determine witness credibility, and draw reasonable inferences. Reversal for insufficiency was warranted only if no evidence permitted a reasonable mind to conclude guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the District of Columbia Court of Appeals
PARTIES	Emery Boddie v. United States

TOPICS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient for a reasonable jury to find that Boddie possessed forty-five bags of heroin with intent to distribute rather than for personal use.
2. Whether D.C. Code § 33-547.1, recodified at § 48-904.07a, requires the government to prove that a defendant intended to distribute the controlled substance within the drug-free zone, or only that the defendant possessed the substance within the zone with intent to distribute it somewhere.

HOLDINGS

1. The evidence was sufficient to permit a reasonable jury to find beyond a reasonable doubt that Boddie possessed the forty-five heroin bags with intent to distribute them rather than for personal use.
2. To establish a violation of D.C. Code § 33-547.1, recodified at § 48-904.07a, the government need prove beyond a reasonable doubt that the defendant possessed a controlled substance within the drug-free zone, or within 1,000 feet of a public or private school, with intent to distribute it somewhere; it need not prove an intent to distribute the substance within the drug-free zone.
3. The rule of lenity did not apply because the drug-free-zone statute did not present a grievous ambiguity or uncertainty after consideration of its language, structure, and purpose.

KEY QUOTATIONS

“the government need only prove beyond a reasonable doubt that the defendant possessed a controlled substance within the drug-free zone, or within 1,000 feet of a public or private school, with the intent to distribute it somewhere, not necessarily within the drug-free zone.” (545)

“we hold that the government need only prove beyond a reasonable doubt that the defendant possessed a controlled substance within the drug-free zone, or within 1,000 feet of a school, with the intent to distribute it somewhere, not necessarily within the drug-free zone.” (553)

FACTUAL BACKGROUND

Police officers responding to a reliable informant's report observed Boddie in an area known as an open-air heroin market and stopped him nearby. Boddie possessed forty-five bags of heroin, and expert testimony indicated that the quantity, packaging, purity, and surrounding circumstances were more consistent with intent to distribute than personal use. The arrest location was measured as 549 feet and 10 inches from Van Ness Elementary School, placing it within the statutory drug-free zone.

PROCEDURAL HISTORY

A jury found Boddie guilty of unlawful possession with intent to distribute a controlled substance within a drug-free zone. The trial court denied his motion for judgment of acquittal. The District of Columbia Court of Appeals affirmed, holding that the evidence was sufficient and that the drug-free-zone statute did not require proof that Boddie intended to distribute the drugs within the zone.

DISPOSITION

affirmed

CASES CITED

- Smith v. United States, 777 A.2d 801, 810 (D.C. 2001)
- Taylor v. United States, 662 A.2d 1368, 1371 (D.C. 1995)
- Hinnant v. United States, 520 A.2d 292, 294 (D.C. 1987)
- United States v. Dimas, 3 F.3d 1015, 1022 (7th Cir. 1993)
- United States v. Testa, 768 F. Supp. 221 (N.D. Ill. 1991)
- United States v. Coates, 739 F. Supp. 146 (S.D.N.Y. 1990)
- United States v. Roberts, 735 F. Supp. 537 (S.D.N.Y. 1990)
- United States v. Wake, 948 F.2d 1422, 1430, 1432 (5th Cir. 1991)
- United States v. Rodriguez, 961 F.2d 1089, 1092-1095 (3d Cir. 1992)
- United States v. McDonald, 991 F.2d 866, 867-871 (D.C. Cir. 1993)
- United States v. Lloyd, 10 F.3d 1197, 1218 (6th Cir. 1993)
- United States v. Ortiz, 146 F.3d 25, 29-30 (1st Cir. 1998)
- United States v. Harris, 313 F.3d 1228, 1239-1240 (10th Cir. 2002)
- United States v. Cross, 900 F.2d 66, 68-69 (6th Cir. 1990)
- Chapman v. United States, 500 U.S. 453, 463 (1991)
- Outlaw v. United States, 604 A.2d 873, 876 (D.C. 1992)