

DISTRICT OF COLUMBIA COURT OF APPEALS

Renaldo K. Lucas v. United States

102 A.3d 270 (D.C. 2014) · No. No. 12-CF-240 · Decided October 30, 2014

SUMMARY

The District of Columbia Court of Appeals considered whether a prosecutor’s closing argument improperly invited the jury to infer that the defendant was guilty of the charged firearm offenses because of his prior conviction. The court held that the comment was improper propensity argument, but concluded that it did not substantially prejudice the defendant in light of the circumstances and strength of the government’s case. The court affirmed the convictions.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Ruiz, Senior Judge; Thompson, Associate Judge; Steadman, Senior Judge
JURISDICTION	District of Columbia
DECIDED	October 30, 2014
DOCKET	No. 12-CF-240
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lucas appealed his jury convictions in the Superior Court of the District of Columbia, arguing that the prosecutor made an improper propensity argument during rebuttal closing and that the trial court erred by failing to give a limiting or curative instruction or grant a mistrial.
STANDARD OF REVIEW	The legal propriety of a prosecutor's argument is reviewed de novo; regulation of closing argument and the response to improper comments are reviewed for abuse of discretion. Because the objection was preserved, prejudice was reviewed under the harmless-error standard, with the government bearing the burden of showing that the verdict was not substantially swayed by the improper comment.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the District of Columbia Court of Appeals.
PARTIES	Renaldo K. Lucas v. United States

TOPICS

prosecutorial misconduct

harmless error

evidence

appellate procedure

criminal procedure

PRACTICE AREAS

criminal procedure

criminal appellate litigation

evidence

QUESTIONS PRESENTED

1. Whether the prosecutor's rebuttal statement that Lucas had the gun 'just like he had that prior conviction' was an improper propensity argument.
2. Whether the trial court erred by overruling the objection and failing to give a limiting or curative instruction concerning the prior conviction.
3. Whether the improper comment and instructional omission substantially prejudiced Lucas and required reversal or a mistrial.

HOLDINGS

1. The prosecutor's statement equating Lucas's possession of the gun with his prior conviction could reasonably be understood by jurors as an invitation to infer that Lucas possessed the gun because he had committed a prior crime. The statement was therefore improper propensity argument.
2. The objection to the prosecutor's comment was well founded and should have been sustained. The trial court also failed to provide the ordinarily required strong, unambiguous instruction limiting the jury's use of the prior-conviction evidence.
3. The error was harmless because the government demonstrated that the prosecutor's single comment did not substantially sway the jury, and the court retained sufficient confidence in the verdict.

KEY QUOTATIONS

"It is a long-standing rule in this jurisdiction that evidence of prior convictions may not be introduced to prove, nor argument made to suggest, that a defendant is guilty of the crime charged because he has a propensity to commit criminal acts." (at 276)

"The prosecutor was required to do so in a manner that would not be reasonably understood by the jury as an invitation to convict based on a perception of appellant's propensity to commit crime." (at 278)

"We are satisfied that the comment, viewed in the context of the trial as a whole, was not so impactful on the jury as to substantially shift the grounds of their deliberations and eventual verdict." (at 284)

FACTUAL BACKGROUND

Officer Andre Parker observed Lucas flee from a vehicle after Parker approached it in response to suspicious circumstances. Parker testified that Lucas held his waist while running, removed and threw an object near a fence, and that a silver and black handgun was recovered on the other side of that fence. Lucas told Parker that he had thrown a beer bottle, and the defense emphasized the absence of identifiable fingerprints and the presence

of bottles and other debris near the recovery site. The parties stipulated that Lucas had a prior felony conviction, an element of the felon-in-possession charge.

PROCEDURAL HISTORY

A jury in the Superior Court of the District of Columbia convicted Lucas of unlawful possession of a firearm by a felon, carrying a pistol without a license, possession of an unregistered firearm, and possession of ammunition without a valid firearm registration. During rebuttal closing, the prosecutor referred to Lucas's prior conviction in connection with his alleged possession of the gun. Defense counsel objected, but the objection was overruled, and the court gave no limiting instruction concerning the prior conviction. The Court of Appeals held the comment improper but harmless and affirmed the convictions.

DISPOSITION

affirmed

CASES CITED

- Robinson v. United States, 50 A.3d 508, 530-31 (D.C. 2012), cert. denied, 133 S. Ct. 2404 (2013)
- Gilliam v. United States, 46 A.3d 360, 366 (D.C. 2012)
- Turner v. United States, 26 A.3d 738, 742 n.7, 744 (D.C. 2011)
- Finch v. United States, 867 A.2d 222, 225, 228-29 (D.C. 2005)
- McGrier v. United States, 597 A.2d 36, 41 (D.C. 1991)
- Drew v. United States, 331 F.2d 85, 89-90 (D.C. Cir. 1964)
- Fields v. United States, 396 A.2d 522, 526-28 (D.C. 1978)
- (Amos) Jones v. United States, 579 A.2d 250, 254 (D.C. 1990)
- Dorman v. United States, 491 A.2d 455, 459-62, 464 (D.C. 1985) (en banc)
- Ford v. United States, 487 A.2d 580, 591 (D.C. 1984)
- Anthony v. United States, 935 A.2d 275, 284-86 (D.C. 2007)
- Gaither v. United States, 413 F.2d 1061, 1079 (D.C. Cir. 1969)
- Dyson v. United States, 450 A.2d 432, 441-42 (D.C. 1982)
- (Adrian) Williams v. United States, 549 A.2d 328, 333-34 (D.C. 1988)
- (Johnny) Williams v. United States, 75 A.3d 217, 222 (D.C. 2013)
- Pérez v. United States, 968 A.2d 39, 79-80 (D.C. 2009)
- Eady v. United States, 44 A.3d 257, 265, 268 (D.C. 2012)
- Johnson v. United States, 683 A.2d 1087, 1092 (D.C. 1996) (en banc)
- (Damion) Jones v. United States, 17 A.3d 628, 634 (D.C. 2011)
- Wheeler v. United States, 930 A.2d 232, 246 (D.C. 2007)
- Kotteakos v. United States, 328 U.S. 750, 765 (1946)
- Goodall v. United States, 686 A.2d 178, 183 (D.C. 1996)

- Clark v. United States, 639 A.2d 76, 80 (D.C. 1993)
- Coleman v. United States, 779 A.2d 303, 304-06 (D.C. 2001)
- Blaine v. United States, 18 A.3d 766, 774 (D.C. 2011)
- Davis v. United States, 510 A.2d 1051, 1052 (D.C. 1986)
- Goins v. United States, 617 A.2d 956, 958 (D.C. 1992)
- Beale v. United States, 465 A.2d 796, 799 (D.C. 1983)
- (Charles) Lee v. United States, 562 A.2d 1202, 1204 (D.C. 1989)
- (David) Lee v. United States, 668 A.2d 822, 830-33 (D.C. 1995)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/district-of-columbia-district-of-columbia-court-of-appeals/2014/renaldo-k-lucas-v-united-states-amdvjhxx>