

SUPREME COURT OF VIRGINIA

Pryor v. Commonwealth, 276 Va. 312

661 S.E.2d 820 (2008) · No. Record No. 071744 · Decided June 6, 2008

SUMMARY

The Supreme Court of Virginia held that the trial court erred by allowing the jury to consider a videotape of a drug transaction for which the evidence had been stricken, even if the recording was arguably relevant to the charged transaction. The court concluded that the recording's probative value was greatly outweighed by its prejudicial effect under the rules governing other-crimes evidence. The judgment was reversed and the case was remanded for a new trial if the Commonwealth elected to proceed.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Senior Justice Roscoe B. Stephenson, Jr.; Chief Justice Hassell; Justice Koontz; Justice Kinser; Justice Lemons; Justice Agee; Justice Goodwyn; Senior Justice Stephenson
JURISDICTION	Virginia
DECIDED	June 6, 2008
DOCKET	Record No. 071744
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Pryor appealed his conviction for distribution of cocaine after the trial court permitted the jury to consider a videotape of a separate drug transaction whose charge had been stricken. The Court of Appeals of Virginia affirmed, and the Supreme Court of Virginia granted review.
STANDARD OF REVIEW	The Supreme Court reviewed the trial court's evidentiary ruling concerning the admission and use of other-crimes evidence for reversible error, applying Virginia's requirement that probative value outweigh incidental prejudice.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Virginia
PARTIES	William A. Pryor, Jr. v. Commonwealth of Virginia

TOPICS

evidence

relevance

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether a videotaped recording of a separate drug transaction could be considered by the jury on the June distribution charge after the trial court struck the July distribution charge.
2. Whether, assuming the July recording was relevant to the June charge, its probative value outweighed its prejudicial effect under Virginia's other-crimes evidence doctrine.

HOLDINGS

1. Sustaining a motion to strike a criminal charge eliminates all evidence submitted on that offense from the jury's consideration for that offense; however, the court still had to determine separately whether the July recording was admissible on the June charge.
2. Assuming without deciding that the July transaction recording was relevant to the June offense, its probative value was greatly outweighed by its prejudicial effect and it was inadmissible.

KEY QUOTATIONS

“The effect of sustaining a motion to strike the charge is to eliminate all of the evidence submitted on that offense from consideration by a jury.” (661 S.E.2d at 821)

“Assuming without deciding that the recording of the July transaction was relevant to the June offense, we hold that its probative value was greatly outweighed by its prejudicial effect.” (661 S.E.2d at 822)

FACTUAL BACKGROUND

A confidential informant purchased cocaine from Pryor in a June 16, 2003 transaction that was recorded by an audio-video transmitting device. A second cocaine transaction occurred on July 24, 2003 and was also recorded. Although both recordings were initially admitted without objection, the trial court later struck the July charge but allowed the jury to view the July recording when deliberating on the June charge, ostensibly as evidence of Pryor's identity or participation.

PROCEDURAL HISTORY

Pryor was tried on two cocaine-distribution charges arising from June 16 and July 24, 2003 transactions. After the Commonwealth rested, the circuit court struck the July charge but allowed the jury to consider the July transaction videotape in connection with the June charge. The jury convicted Pryor on the June charge, the Court of Appeals affirmed, and the Supreme Court of Virginia reversed and remanded for a new trial if the Commonwealth elected to proceed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Appeals was reversed, and the case was remanded to that court with direction to remand it to the circuit court for a new trial if the Commonwealth elected to proceed.

CASES CITED

- Pryor v. Commonwealth, 50 Va. App. 42, 646 S.E.2d 21 (2007)
- Anderson v. Clinchfield R. Co., 171 Va. 87, 198 S.E. 478 (1938)
- Guill v. Commonwealth, 255 Va. 134, 495 S.E.2d 489 (1998)
- Kirkpatrick v. Commonwealth, 211 Va. 269, 176 S.E.2d 802 (1970)
- Turner v. Commonwealth, 259 Va. 645, 529 S.E.2d 787 (2000)
- Scates v. Commonwealth, 262 Va. 757, 553 S.E.2d 756 (2001)