

SUPREME COURT OF DELAWARE

Culp v. State

766 A.2d 486 (Del. 2001) · No. No. 13, 2000 · Decided February 21, 2001

SUMMARY

The Supreme Court of Delaware held that statements made by Catherine Culp during a 911 call qualified as excited utterances under Delaware Rule of Evidence 803(2). The trial court's exclusion of the statements, which supported Culp's claim that the shooting was accidental and helped rebut challenges to her credibility, was reversible error. The judgment was reversed and the case was remanded for further proceedings, including a new trial.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Walsh, Justice; Holland, Justice; Steele, Justice
JURISDICTION	Delaware
DECIDED	February 21, 2001
DOCKET	No. 13, 2000
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Culp appealed her convictions from the Superior Court, arguing that the trial court improperly excluded statements from a 911 tape under the hearsay rules.
STANDARD OF REVIEW	The Supreme Court reviews a trial court's decision to admit or exclude evidence for abuse of discretion and reverses only upon a clear abuse of discretion. The court also considered whether the error was harmless beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Delaware
PARTIES	Catherine W. Culp v. State of Delaware

TOPICS

- hearsay
- evidence
- appellate procedure
- standard of review
- harmless error

PRACTICE AREAS

- criminal law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether Culp's statements on the 911 tape qualified as excited utterances under Delaware Rule of Evidence 803(2).
2. Whether the exclusion of the 911 tape was reversible rather than harmless error.

HOLDINGS

1. The statements on the 911 tape qualified as excited utterances under Delaware Rule of Evidence 803(2) because they were precipitated by a startling event, were made while Culp remained under the stress of excitement caused by that event, and related to the shooting.
2. The exclusion of the 911 tape was reversible error and was not harmless because the evidence was critical corroborative evidence for the defense and could have affected the jury's assessment of Culp's credibility and claim of accident.

KEY QUOTATIONS

"We conclude that the proffered testimony satisfies the excited utterance exception to the hearsay rule under Delaware Rule of Evidence 803(2)." (487)

"Rule 803(2) does not mandate that a statement be made within a certain amount of time following the startling event to be admissible." (490)

"The amount of time that has elapsed between the making of the statement and the startling event is an important, but not dispositive consideration, in determining whether the declarant was in an excited state when the statement was made." (491)

FACTUAL BACKGROUND

After a shooting at Hicks's residence, Culp sought help from nearby neighbors and participated in a 911 call. During the call, she stated that Hicks had asked her to give him his gun, that she gave it to him, and that the gun went off and shot him in the back. Witnesses and police described Culp as hysterical, frantic, or very upset shortly after the shooting, and she gave statements characterizing the shooting as an accident. The trial court excluded the 911 recording, although Culp was the only eyewitness to the manner in which Hicks died and the State attacked her credibility.

PROCEDURAL HISTORY

Culp was indicted for first-degree murder and possession of a firearm during the commission of a felony. At trial, the Superior Court excluded the 911 tape containing Culp's statements, concluding that the statements did not qualify as a present sense impression or excited utterance and were cumulative. The Supreme Court of Delaware reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded for further proceedings consistent with the decision, including a new trial at which Culp could present the excluded 911 evidence.

CASES CITED

- Williamson v. State, 707 A.2d 350, 354 (Del. 1998)
- Lilly v. State, 649 A.2d 1055, 1059 (Del. 1994)
- Firestone Tire & Rubber Co. v. Adams, 541 A.2d 567, 571 (Del. 1988)
- Robinson v. State, 600 A.2d 356, 360 (Del. 1991)
- Gannon v. State, 704 A.2d 272, 274 (Del. 1998)
- United States v. Mitchell, 145 F.3d 572, 576 (3d Cir. 1998)
- Collins v. State, 420 A.2d 170, 177 (Del. 1980)
- Miller v. Keating, 754 F.2d 507, 512 (3d Cir. 1985)
- United States v. Iron Shell, 633 F.2d 77, 85-86 (8th Cir. 1980)
- Van Arsdall v. State, 524 A.2d 3, 13 (Del. 1987)
- Webb v. State, 663 A.2d 452, 461 (Del. 1995)