

DISTRICT OF COLUMBIA COURT OF APPEALS

Jaime Ortiz v. United States

942 A.2d 1127 (D.C. 2008) · No. No. 98-CF-1243 · Decided February 13, 2008

SUMMARY

The District of Columbia Court of Appeals affirmed Jaime Ortiz's convictions for second-degree child sexual abuse and misdemeanor simple assault. The court held that the trial court did not abuse its discretion in permitting withdrawal of Ortiz's guilty plea or refusing to enter judgment on it, and that sufficient evidence supported the child sexual abuse conviction.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Blackburne-Rigsby, Associate Judge; Kramer, Associate Judge; King, Senior Judge
JURISDICTION	District of Columbia
DECIDED	February 13, 2008
DOCKET	No. 98-CF-1243
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ortiz appealed convictions for second-degree child sexual abuse, entered after a jury trial, and misdemeanor simple assault, entered after a bench trial. He challenged the handling of his guilty plea, the sufficiency of the evidence supporting the child-sexual-abuse conviction, and several additional trial-related matters.
STANDARD OF REVIEW	Abuse of discretion for the trial court's handling and acceptance or rejection of the guilty plea. For sufficiency of the evidence, the court viewed the evidence in the light most favorable to the government, giving full play to the jury's credibility determinations, weighing of evidence, and reasonable inferences, and asked whether no reasonable juror could find guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Jaime Ortiz v. United States

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by permitting Ortiz to withdraw his guilty plea.
2. Whether the trial court properly refused to enter judgment on Ortiz's guilty plea after he made statements maintaining his innocence and denying the charged conduct.
3. Whether sufficient evidence supported Ortiz's conviction for second-degree child sexual abuse.
4. Whether the prosecutor's conduct and the circumstances involving C.E., Detective Moss, and the prosecutor required dismissal or reversal.
5. Whether testimony from C.E.'s brother constituted newly discovered evidence warranting a new trial.
6. Whether the alleged Brady violation warranted relief.

HOLDINGS

1. The trial court did not abuse its discretion by permitting Ortiz to voluntarily withdraw his guilty plea because defense counsel's statements and subsequent conduct demonstrated an intent to withdraw the plea and proceed to trial.
2. A trial court may refuse to enter judgment on a guilty plea when the defendant maintains his innocence or when the record lacks a sufficient factual basis for the plea; the trial court therefore properly refused to enter judgment on Ortiz's plea.
3. The evidence was sufficient for a reasonable juror to find Ortiz guilty of second-degree child sexual abuse beyond a reasonable doubt.
4. The prosecutor's threat to use the power of subpoena, refusal to dismiss the case at C.E.'s request, and C.E.'s stay with and receipt of gifts from Detective Moss and her family did not require dismissal or reversal because the conduct was not improper or did not prejudice Ortiz.
5. The brother's testimony did not constitute newly discovered evidence warranting a new trial because it was known and available before trial, the defense made no effort to obtain it, and it was not likely to produce an acquittal.
6. The Brady claim failed because there was no reasonable probability that disclosure of the evidence would have changed the result of the proceeding.

KEY QUOTATIONS

“A defendant does not have an “absolute right to have a guilty plea accepted.”” (1131)

“The trial judge should not enter judgment on a guilty plea unless it is satisfied that there is a factual basis for doing so.” (1131)

“This court may reverse the trial court's denial of such a motion only by finding that the evidence, viewed in the light most favorable to the government, is such that no reasonable juror could fairly find guilt beyond a reasonable doubt.” (1132)

FACTUAL BACKGROUND

Ortiz took eleven-year-old C.E., whom he had acted as a stepfather to for approximately four years, and her younger brother to Theodore Roosevelt Island. He asked C.E. to remove her pants, questioned her about sex and menstruation, kissed her, and pressed and moved his genitals against her buttocks. C.E. testified that she was uncomfortable and afraid, cried afterward, and was told not to tell anyone.

PROCEDURAL HISTORY

The trial court permitted Ortiz to withdraw his guilty plea after defense counsel moved orally to withdraw it and Ortiz made statements maintaining his innocence. The case proceeded to trial, resulting in convictions for second-degree child sexual abuse and misdemeanor simple assault. The District of Columbia Court of Appeals affirmed, holding that the trial court did not abuse its discretion in permitting withdrawal of the plea or refusing to enter judgment on it, and that the evidence was sufficient.

DISPOSITION

affirmed

CASES CITED

- Hockaday v. United States, 359 A.2d 146, 148 (D.C. 1976)
- Santobello v. New York, 404 U.S. 257, 262 (1971)
- United States v. Rashad, 396 F.3d 398, 401 (D.C. Cir. 2005)
- Gooding v. United States, 529 A.2d 301, 305 n. 6 (D.C. 1987) (per curiam) (en banc)
- United States v. Gomez-Gomez, 822 F.2d 1008, 1011 (11th Cir. 1987)
- United States v. Ray, 431 F.2d 1177, 1178 (9th Cir. 1970)
- Curry v. United States, 520 A.2d 255, 263 (D.C. 1987)
- Howard v. United States, 656 A.2d 1106, 1110 (D.C. 1995)
- Langley v. United States, 515 A.2d 729, 732 (D.C. 1986)
- Harkins v. United States, 810 A.2d 895, 901 (D.C. 2002)
- In re Ragland, 343 A.2d 558, 559 (D.C. 1975)
- Newman v. United States, 705 A.2d 246, 263 (D.C. 1997)
- Brown v. United States, 864 A.2d 996, 1003 (D.C. 2005)
- Byers v. United States, 649 A.2d 279, 287 (D.C. 1994)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Strickler v. Greene, 527 U.S. 263, 280-81 (1999)
- North Carolina v. Alford, 400 U.S. 25, 38 (1970)

- Godwin v. United States, 687 F.2d 585, 590 (2d Cir. 1982)

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