

DISTRICT OF COLUMBIA COURT OF APPEALS

Jonathan Blades v. United States

200 A.3d 230 (D.C. 2019) · No. 15-CF-663 · Decided January 23, 2019

SUMMARY

The District of Columbia Court of Appeals affirmed Jonathan Blades's convictions arising from a nightclub shooting, including assault with intent to kill while armed, firearm offenses, and related charges. The court held that using a husher during individual voir dire at the bench did not violate the constitutional right to a public trial because it was a reasonable alternative to courtroom closure, and it concluded that any error in admitting photo arrays containing mugshots was harmless beyond a reasonable doubt.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Thompson; Beckwith; Farrell
JURISDICTION	District of Columbia
DECIDED	January 23, 2019
DOCKET	15-CF-663
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from convictions following a four-day jury trial in the Superior Court of the District of Columbia. The appellant challenged the use of a husher during individual voir dire, admission of mugshot-containing photo arrays, prosecutorial closing argument, and a provocation jury instruction.
STANDARD OF REVIEW	Constitutional public-trial claims are reviewed under the applicable structural-error principles; preserved prosecutorial-misconduct claims are reviewed for substantial prejudice; evidentiary error involving mugshot-type photographs is subject to constitutional harmless-error review; jury-instruction claims are reviewed for reversible error and, where appropriate, harmlessness.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jonathan Blades v. United States

TOPICS

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sixth amendment

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether use of a white-noise husher during individual juror voir dire at the courtroom bench violated Blades's Sixth Amendment right to a public trial.
2. Whether admission and publication of photo arrays containing mugshot-type photographs was reversible error when identity was not genuinely disputed.
3. Whether the prosecutor's closing argument improperly suggested that Blades forfeited self-defense merely by bringing a gun to the scene.
4. Whether the trial court reversibly erred by giving a provocation instruction without a sufficient evidentiary basis.
5. Whether the two convictions for possession of a firearm during a crime of violence had to merge because they arose from possession of one weapon during one violent act.

HOLDINGS

1. Using a husher while conducting individual juror questioning at the bench, with the proceedings visible to the public and transcripts available within a reasonable time, did not constitute a courtroom closure or partial closure and did not violate the defendant's public-trial right.
2. Even assuming that the government lacked a demonstrable need to introduce the photo arrays, any error in admitting them was harmless beyond a reasonable doubt.
3. The prosecutor's remarks, even if they could be understood as improperly suggesting that bringing a gun to the scene affected the right to claim self-defense, did not warrant reversal because the remarks, viewed in context, did not substantially prejudice Blades.
4. Any error in giving the provocation instruction was harmless because the evidence and the complete instructions did not create a realistic possibility that the jury rejected self-defense based on Blades's earlier shoulder-grab or push.
5. The two PFCV convictions had to merge because they arose from possession of a single weapon during a single violent act.

KEY QUOTATIONS

"In sum, we conclude that use of the husher during individual-juror voir dire did not constitute closure or partial closure of the courtroom, but instead was a "reasonable alternative[] to closing the proceeding," Waller, 467 U.S. at 48, that protected appellant's public-trial right." (200 A.3d at 241)

"For all the foregoing reasons, we conclude that appellant is not entitled to a reversal of his convictions. However, we remand the matter to the trial court to merge appellant's two PFCV convictions premised on his

FACTUAL BACKGROUND

After an altercation outside a nightclub, Jonathan Blades retrieved a firearm from his car and fired nine shots at Johnny Campbell. Campbell was shot in the back or shoulder while fleeing, and physical evidence included nine cartridge casings found on 20th Street and bullets found farther along L Street. Blades admitted firing the shots but claimed self-defense, asserting that Campbell and others had attacked him and threatened to stab him.

PROCEDURAL HISTORY

Blades was convicted of assault with intent to kill while armed, two counts of possession of a firearm during a crime of violence, aggravated assault while armed, possession of an unregistered firearm, and unlawful possession of ammunition. The District of Columbia Court of Appeals rejected the asserted trial errors, affirmed the convictions, and remanded for merger of the two PFCV convictions.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remand to the trial court to merge the two PFCV convictions premised on the AWIKWA and AAWA convictions. The judgment was affirmed in all other respects.

CASES CITED

- Waller v. Georgia, 467 U.S. 39, 48 (1984)
- Copeland v. United States, 111 A.3d 627, 633-35 (D.C. 2015)
- Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 504-10, 512 (1984)
- Presley v. Georgia, 558 U.S. 209, 213-14 (2010)
- Kleinbart v. United States, 388 A.2d 878, 881-83 (D.C. 1978)
- In re Access to Jury Questionnaires, 37 A.3d 879, 882, 884-89 (D.C. 2012)
- Cable News Network, Inc. v. United States, 824 F.2d 1046, 1047-48 (D.C. Cir. 1987)
- ABC, Inc. v. Stewart, 360 F.3d 90, 95 (2d Cir. 2004)
- Bishop v. United States, 983 A.2d 1029, 1034 (D.C. 2009)
- (Kirkland) Williams v. United States, 382 A.2d 1, 5 (D.C. 1978)
- (Lenwood) Williams v. United States, 481 A.2d 1303, 1304 (D.C. 1984)
- Chapman v. California, 386 U.S. 18 (1967)
- Letsinger v. United States, 402 A.2d 411, 414 (D.C. 1979)
- Turner v. United States, 26 A.3d 738, 742, 746 (D.C. 2011)
- Finch v. United States, 867 A.2d 222, 225-26 (D.C. 2005)
- Kotteakos v. United States, 328 U.S. 750, 765 (1946)

- Jones v. United States, 739 A.2d 348, 353 (D.C. 1999)
- Stewart v. United States, 687 A.2d 576, 579 (D.C. 1996)
- Rorie v. United States, 882 A.2d 763, 764, 769, 774-77 (D.C. 2005)
- Dickerson v. United States, 620 A.2d 270, 273 (D.C. 1993)
- Tyree v. United States, 942 A.2d 629, 639 (D.C. 2008)
- Nixon v. United States, 730 A.2d 145, 153 (D.C. 1999)

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