

SUPREME COURT OF OREGON

State v. Williams

357 Or. 1 (2015) · No. CC 08CR0707; CA A145644; SC S061769 · Decided March 18, 2015

SUMMARY

The Oregon Supreme Court held that, in criminal cases, Oregon Evidence Code 404(4) supersedes OEC 404(3) and permits relevant evidence of a defendant’s other crimes, wrongs, or acts, subject to specified exceptions. In child-sexual-abuse prosecutions, due process requires the trial court to balance the evidence’s probative value against unfair prejudice under OEC 403. The court concluded that evidence of the defendant’s possession of children’s underwear was logically relevant and properly admitted, reversed the Court of Appeals, and remanded for consideration of the remaining assignments of error.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Walters, J.
JURISDICTION	Oregon
DECIDED	March 18, 2015
DOCKET	CC 08CR0707; CA A145644; SC S061769
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for review after the Oregon Court of Appeals reversed defendant's convictions for first-degree sexual abuse, holding that evidence of children's underwear found in defendant's residence was irrelevant under OEC 401. The Oregon Supreme Court reversed the Court of Appeals and remanded for consideration of defendant's remaining assignments of error.
STANDARD OF REVIEW	The Supreme Court reviewed the legal questions concerning interpretation and application of the Oregon Evidence Code for errors of law. The trial court's OEC 403 balancing decision was not challenged on review and was not reconsidered.
PRECEDENTIAL VALUE	published precedential opinion; en banc Oregon Supreme Court decision
PARTIES	State of Oregon v. Shawn Gary Williams

TOPICS

evidence statutory interpretation due process criminal procedure constitutional law

PRACTICE AREAS

criminal law evidence criminal procedure constitutional law

QUESTIONS PRESENTED

1. Whether OEC 404(4) supersedes OEC 404(3) in criminal cases and permits admission of relevant evidence of a defendant's other crimes, wrongs, or acts for purposes including propensity, subject to constitutional and express statutory limitations.
2. Whether the Due Process Clause requires a trial court in a child-sexual-abuse prosecution to balance the probative value of other-acts evidence against the risk of unfair prejudice under OEC 403.
3. Whether the children's-underwear evidence was logically relevant under OEC 401 to prove that defendant acted with the sexual purpose required for first-degree sexual abuse.
4. Whether the trial court erred in admitting the underwear evidence under OEC 401, OEC 404(4), and OEC 403.

HOLDINGS

1. In criminal cases, OEC 404(4) supersedes OEC 404(3), making relevant evidence of a defendant's other crimes, wrongs, or acts admissible for all purposes, including propensity, except as limited by the state or federal constitutions or expressly applicable statutory and evidentiary provisions.
2. In a prosecution for child sexual abuse, the Due Process Clause requires the trial court, upon objection, to determine under OEC 403 whether the risk of unfair prejudice from other-acts evidence outweighs its probative value.
3. The underwear evidence was logically relevant under OEC 401 because it had a tendency to increase the probability that defendant acted with a sexual purpose when committing the charged touching.

KEY QUOTATIONS

“From the text, context, and legislative history of OEC 404(4), we conclude that the legislature intended OEC 404(4) to supersede OEC 404(3) in criminal cases, except, of course, as otherwise provided by the state or federal constitutions.” (357 Or. at 15-16)

“We conclude that, in a prosecution for child sexual abuse, the Court would hold that subjecting proffered “other acts” evidence to OEC 403 balancing is a due process requirement.” (357 Or. at 18-19)

“In a prosecution of child sexual abuse, the federal constitution requires that a trial court determine whether the risk of unfair prejudice posed by the evidence outweighs its probative value under OEC 403.” (357 Or. at 24)

FACTUAL BACKGROUND

Shawn Gary Williams was charged with putting his hand down the underwear of a five-year-old child and touching her vaginal area, and causing the child to touch his clothed penis. Williams denied committing either act and suggested that any contact could have been accidental. The State introduced two pairs of children's underwear found in Williams's residence—one between the mattress and box spring and another in a duffel bag—to support an inference that he had a sexual interest in children and acted with the required sexual purpose. The trial court admitted the evidence, and a jury convicted Williams of both counts.

PROCEDURAL HISTORY

Defendant was charged with two counts of first-degree sexual abuse and convicted by a jury after the trial court admitted evidence that he possessed two pairs of children's underwear. The Court of Appeals reversed and remanded for a new trial, concluding that the underwear evidence was not logically relevant. The Oregon Supreme Court allowed the State's petition for review, reversed the Court of Appeals, and remanded for consideration of the remaining assignments of error.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Oregon Court of Appeals for consideration of defendant's remaining assignments of error.

CASES CITED

- State v. Johns, 301 Or. 535, 549-50, 725 P.2d 312 (1986)
- State v. Pinnell, 311 Or. 98, 105-07, 112-13, 806 P.2d 110 (1991)
- State v. Shaw, 338 Or. 586, 613-15, 113 P.3d 898 (2005)
- Carlson v. Myers, 327 Or. 213, 235, 959 P.2d 31 (1998)
- Smith v. Multnomah County Board of Commissioners, 318 Or. 302, 309, 865 P.2d 356 (1994)
- Armatta v. Kitzhaber, 327 Or. 250, 252, 254, 959 P.2d 49 (1998)
- State v. Fugate, 332 Or. 195, 199, 26 P.3d 802 (2001)
- State v. Lotches, 331 Or. 455, 494 n.20, 17 P.3d 1045 (2000), cert. denied, 534 U.S. 833 (2001)
- State v. Moore/Coen, 349 Or. 371, 389, 245 P.3d 101 (2010)
- State v. Leistiko, 352 Or. 172, 180 n.6, 282 P.3d 857 (2012)
- State v. Williams, 258 Or. App. 106, 112-17, 308 P.3d 330 (2013)
- Boyd v. United States, 142 U.S. 450, 458 (1892)
- State v. Baker, 23 Or. 441, 442-43, 32 P. 161 (1893)
- State v. Saunders, 14 Or. 300, 309, 12 P. 441 (1886)
- State v. Martin, 47 Or. 282, 285, 83 P. 849 (1906)
- Michelson v. United States, 335 U.S. 469, 475-76 (1948)

- Estelle v. McGuire, 502 U.S. 62, 75 n.5 (1991)
- Leavitt v. Arave, 383 F.3d 809, 829 (9th Cir. 2004), cert. denied, 545 U.S. 1105 (2005)
- United States v. LeMay, 260 F.3d 1018, 1025-28 (9th Cir. 2001)
- Dowling v. United States, 493 U.S. 342, 352-53 (1990)
- Montana v. Egelhoff, 518 U.S. 37, 43-44 (1996)
- United States v. Lovasco, 431 U.S. 783, 790 (1977)
- Old Chief v. United States, 519 U.S. 172, 174, 180, 184 (1997)
- State v. Sparks, 336 Or. 298, 308, 83 P.3d 304 (2004)