

COURT OF APPEALS OF MARYLAND

Atkins v. State

421 Md. 434 (2011) · Decided August 18, 2011

SUMMARY

The Maryland Court of Appeals held that, under the particular facts of the case, the trial court improperly instructed the jury that the State was not required to use specific investigative or scientific techniques. The instruction constituted non-neutral commentary on the evidence and effectively undermined the State’s burden to prove guilt beyond a reasonable doubt. The court reversed the judgment of the Court of Special Appeals and Atkins’s convictions.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                        |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Maryland                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Greene, J.; Harrell, J.; Battaglia, J.; Murphy, J.                                                                                                                                                                                                                     |
| JURISDICTION          | Maryland                                                                                                                                                                                                                                                               |
| DECIDED               | August 18, 2011                                                                                                                                                                                                                                                        |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Atkins was convicted in the Circuit Court for Montgomery County of three counts of second-degree assault. The Court of Special Appeals affirmed in an unreported opinion. The Court of Appeals of Maryland granted certiorari and reversed, remanding for a new trial. |
| STANDARD OF REVIEW    | A trial court's ruling on whether to give a proposed jury instruction is reviewed for abuse of discretion, including whether the instruction was legally correct, applicable to the facts, and fairly covered by the instructions actually given.                      |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                         |
| PARTIES               | Armardo Annier Atkins v. State                                                                                                                                                                                                                                         |

TOPICS

- jury instructions
- burden of proof instructions
- due process
- evidence
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

## QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by instructing the jury that the State was not required to use any specific investigative technique or scientific test to prove its case.
2. Whether the instruction improperly commented on the evidence, invaded the jury's fact-finding province, undermined Atkins's defense based on the absence of forensic evidence, and effectively relieved the State of its burden to prove guilt beyond a reasonable doubt.

## HOLDINGS

1. The trial court abused its discretion by giving the instruction because, in the context of this case, it was not proper under the facts, was fairly covered by the instructions already given, and unfairly prejudiced Atkins.
2. The instruction was an improper non-neutral commentary on the admitted evidence and the absence of evidence because it directed the jury's consideration of whether the knife was connected to the crimes, a factual issue reserved for the jury.
3. As worded and applied in this case, the instruction effectively relieved the State of its burden to prove Atkins's guilt beyond a reasonable doubt, violating his constitutional rights to due process and a fair trial.
4. The Court did not hold that an investigative- or scientific-techniques instruction is always improper; such an instruction may be valid if it remains neutral, preserves the State's burden of proof, and properly relates the absence of particular evidence to the reasonable-doubt standard.

## KEY QUOTATIONS

*"We hold that the trial judge's instruction to the jury on what the State was required to prove, in effect, relieved the State of its burden to prove guilt beyond a reasonable doubt." (438)*

*"Basically, the instruction directed the jury to ignore the fact that the State had not presented evidence connecting the knife to the crime, implying that the lack of such evidence is not necessary or relevant to the determination of guilt, and to disregard any argument by defense to the contrary." (453)*

*"The instruction given in the present case, however, effectively relieved the State of its burden because the instruction did not clearly explain to the jury the relation between the fact that the State was not required to produce specific evidence on the one hand, with the continuing obligation of the State to prove the defendant's guilt beyond a reasonable doubt on the other hand." (455)*

## FACTUAL BACKGROUND

During a physical altercation, Atkins stabbed Michael Holland and cut Tiara Barrett's companions, Alexis and Dominique Davis. Atkins claimed self-defense and testified that he used a foldable pocketknife, which he discarded after the fight. Police later found a large, non-folding black knife in a box in Atkins's bedroom, but performed no forensic testing and presented no testimonial evidence connecting that knife to the assaults. The State relied heavily on the knife to refute Atkins's self-defense account, and the trial court instructed the jury that the State need not use any specific investigative technique or scientific test.

## PROCEDURAL HISTORY

After the trial court admitted a knife found in Atkins's bedroom, despite the absence of forensic testing or evidence linking that knife to the assaults, the court instructed the jury that the State was not legally required to use any specific investigative technique or scientific test. The jury convicted Atkins on all three assault counts. The Court of Special Appeals affirmed, relying on *Evans v. State*, and the Court of Appeals granted certiorari, reversed the intermediate appellate judgment, and directed reversal of the trial-court judgments and a new trial.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Reverse the judgment of the Court of Special Appeals; direct that court to reverse the judgments of the Circuit Court for Montgomery County and remand the case to the circuit court for a new trial.

## CASES CITED

- *Atkins v. State*, 417 Md. 384, 10 A.3d 199 (2010)
- *Evans v. State*, 174 Md. App. 549, 922 A.2d 620 (2007)
- *Stokes v. State*, 379 Md. 618, 626, 843 A.2d 64, 68 (2004)
- *Gore v. State*, 309 Md. 203, 210, 213-14, 522 A.2d 1338, 1341, 1343 (1987)
- *Chambers v. State*, 337 Md. 44, 48, 650 A.2d 727, 729 (1994)
- *State v. Hutchinson*, 287 Md. 198, 205, 411 A.2d 1035, 1039 (1980)
- *State v. Evans*, 278 Md. 197, 207, 362 A.2d 629, 635 (1976)
- *Thompson v. State*, 393 Md. 291, 302-03, 901 A.2d 208, 214 (2006)
- *Ware v. State*, 348 Md. 19, 58, 702 A.2d 699, 718 (1997)
- *General v. State*, 367 Md. 475, 485, 789 A.2d 102, 108 (2002)
- *Cruz v. State*, 407 Md. 202, 212, 222, 963 A.2d 1184, 1190, 1196
- *Dempsey v. State*, 277 Md. 134, 148-49, 355 A.2d 455, 463 (1976)
- *Patterson v. State*, 356 Md. 677, 684-85, 741 A.2d 1119, 1122-23 (1999)
- *David v. State*, 333 Md. 27, 52, 633 A.2d 867, 879 (1993)
- *Cost v. State*, 417 Md. 360, 368-69, 381, 10 A.3d 184, 189, 196-97 (2010)
- *Hardison v. State*, 226 Md. 53, 62, 172 A.2d 407, 411 (1961)
- *Gunning v. State*, 347 Md. 332, 348, 351-52, 701 A.2d 374, 381, 383-84 (1997)
- *Grandison v. State*, 341 Md. 175, 211, 670 A.2d 398, 415 (1995), cert. denied, 519 U.S. 1027 (1996)
- *In re Don Mc.*, 344 Md. 194, 201, 686 A.2d 269, 272 (1996)
- *Sample v. State*, 314 Md. 202, 207, 209, 550 A.2d 661, 663-64 (1988)
- *Eley v. State*, 288 Md. 548, 551, 555, 419 A.2d 384, 385, 387 (1980)
- *United States v. Saldarriaga*, 204 F.3d 50, 52 (2d Cir. 2000)

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