

DISTRICT OF COLUMBIA COURT OF APPEALS

Allen J. Logan, Jr. v. United States

147 A.3d 292 (D.C. 2016) · No. Nos. 12-CO-1663 & 12-CF-1665 · Decided October 6, 2016

SUMMARY

The District of Columbia Court of Appeals affirmed Allen J. Logan Jr.'s convictions for armed burglary, armed assaults, and the armed murders of Simona Druyard and Mika Washington. The court held that although the warrantless search of Logan's cell phone was unlawful under *Riley v. California*, evidence obtained from the search was admissible under the inevitable-discovery doctrine. The court also upheld the admission of victim photographs and rejected Logan's claims of conflicted counsel and interference with his right to self-representation under D.C. Code § 23-110.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	James A. Belson, Senior Judge; Washington, Chief Judge; Glickman, Associate Judge; Belson, Senior Judge
JURISDICTION	District of Columbia
DECIDED	October 6, 2016
DOCKET	Nos. 12-CO-1663 & 12-CF-1665
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from criminal convictions and sentences and from the denial of a motion to vacate, set aside, or correct sentence under D.C. Code § 23-110.
STANDARD OF REVIEW	For suppression rulings, factual findings and reasonable inferences are viewed in the light most favorable to the government, and factual findings are reviewed for clear error; legal conclusions are reviewed de novo. Admission of autopsy photographs is reviewed for abuse of discretion. Section 23-110 ineffective-assistance and self-representation rulings are reviewed by accepting factual findings supported by the evidence and reviewing legal conclusions de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Allen J. Logan, Jr. v. United States

TOPICS

suppression of evidence

fourth amendment

exclusionary rule

evidence

ineffective assistance

PRACTICE AREAS

criminal procedure

constitutional law

evidence

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the warrantless search of Logan's cell phone violated the Fourth Amendment under *Riley v. California* and whether the witnesses identified through the search were nevertheless admissible under the inevitable-discovery doctrine.
2. Whether the trial court abused its discretion by admitting additional autopsy photographs of the victim.
3. Whether Logan's standby counsel labored under an actual conflict of interest requiring relief under D.C. Code § 23-110.
4. Whether Logan was denied his right to represent himself because standby counsel allegedly controlled decisions concerning a plea offer, a mistrial, and the stipulation to prior witness testimony.

HOLDINGS

1. The warrantless search of Logan's cell phone was unlawful under *Riley* because the search-incident-to-arrest exception did not apply and no exigent circumstances justified the search. Nevertheless, the information obtained from the phone and the resulting witness identifications were admissible because the government proved by a preponderance of the evidence that they would inevitably have been discovered through a lawful, already-active investigation.
2. The trial court did not abuse its discretion by admitting additional autopsy photographs because their probative value in showing the nature and manner of the injuries was not substantially outweighed by the danger of unfair prejudice.
3. Logan failed to establish that standby counsel had an actual conflict of interest or that counsel's performance warranted relief under D.C. Code § 23-110.
4. Logan was not deprived of his right to represent himself because the record supported the trial court's finding that he and standby counsel agreed on the division of responsibilities and that counsel did not override Logan's decisions regarding the plea offer, mistrial, or stipulation of witness testimony.

KEY QUOTATIONS

"The Court specifically rejected the argument that a cell phone search may be justified to prevent the destruction of evidence absent exigent circumstances." (147 A.3d at 295)

"If the prosecution can establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means." (147 A.3d at 296)

"The doctrine permits no speculation and must focus on demonstrated historical facts." (147 A.3d at 296)

"An actual conflict of interest exists when a defense attorney is required to make choices advancing [one client's] interest to the detriment of [another's]." (147 A.3d at 301)

FACTUAL BACKGROUND

The government's evidence showed that Logan became enraged after Amin Washington could not provide promised investment funds and then went with a friend to Washington's residence. Inside, Logan attacked Washington with a sharp object, threatened to kill Washington's young son, and the son and landlady, Simona Druyard, were found with fatal slash wounds. After Logan's arrest, police searched his cell phone without a warrant and obtained information identifying two witnesses; police had already begun investigating the murders and had obtained billing information for the phone. The defense challenged the phone search, the admission of autopsy photographs, and counsel's alleged conflict and interference with Logan's self-representation.

PROCEDURAL HISTORY

A first trial ended in a mistrial. At a second trial, a jury convicted Logan of armed burglary, assault with intent to kill while armed, aggravated assault while armed, second-degree murder while armed, and first-degree murder while armed. The Superior Court denied Logan's motion to vacate, set aside, or correct his sentence under D.C. Code § 23-110. The District of Columbia Court of Appeals affirmed the judgments of conviction and the denial of post-conviction relief.

DISPOSITION

affirmed

CASES CITED

- Towles v. United States, 115 A.3d 1222, 1228 (D.C. 2015)
- Robinson v. United States, 76 A.3d 329, 335 (D.C. 2013)
- Riley v. California, 134 S. Ct. 2473, 2485-88 (2014)
- Accarino v. United States, 179 F.2d 456, 464 (D.C. Cir. 1949)
- Hicks v. United States, 730 A.2d 657, 659-61 (D.C. 1999)
- Nix v. Williams, 467 U.S. 431, 443-44 & n.5 (1984)
- Douglas-Bey v. United States, 490 A.2d 1137, 1139 n.6 (D.C. 1985)
- Gore v. United States, 2016 D.C. App. LEXIS 313, at *18-*19 (D.C. Aug. 18, 2016)
- United States v. Brookins, 614 F.2d 1037, 1040 (5th Cir. 1980)
- United States v. Thomas, 524 F.3d 855, 858-59 (8th Cir. 2008)
- Jefferson v. Fountain, 382 F.3d 1286, 1296 (11th Cir. 2004)
- United States v. Terzado-Madruga, 897 F.2d 1099, 1114-15 (11th Cir. 1990)
- State v. Andersen, 440 N.W.2d 203, 214 (1989)
- United States v. Bienvenue, 632 F.2d 910, 913 (1st Cir. 1980)
- United States v. Davis, 332 F.3d 1163, 1171 (9th Cir. 2003)
- United States v. James, 353 F.3d 606, 617 (8th Cir. 2003)
- Strozier v. United States, 991 A.2d 778, 783-84 (D.C. 2010)
- United States v. Rezaq, 134 F.3d 1121, 1138 (D.C. Cir. 1998)

- Johnson v. United States, 683 A.2d 1087, 1099 (D.C. 1996) (en banc)
- Womack v. United States, 339 A.2d 37, 38 (D.C. 1975)
- Turner v. United States, 116 A.3d 894, 934 (D.C. 2015)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Veney v. United States, 738 A.2d 1185, 1192-93 (D.C. 1999)
- Wages v. United States, 952 A.2d 952, 960 (D.C. 2008)
- Malede v. United States, 767 A.2d 267, 271 (D.C. 2001)
- Faretta v. California, 422 U.S. 806, 819, 834 (1975)
- McKaskle v. Wiggins, 465 U.S. 168, 182 (1984)
- M.A.P. v. Ryan, 285 A.2d 310 (D.C. 1971)
- United States v. Christy, 739 F.3d 534, 540 (10th Cir. 2014)
- United States v. Kennedy, 61 F.3d 494, 499-500 (6th Cir. 1995)

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