CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION ONE

People v. Copeland

Copeland · No. D083131 · Decided March 7, 2025

SUMMARY

The California Court of Appeal, Fourth Appellate District, Division One, reversed Samuel Scott Copeland's conviction for attempting to prevent or dissuade a witness from testifying under Penal Code section 136.1, subdivision (a)(2). The court held that the statutory definition of "witness" does not encompass a potential witness to a civil dispute that had not yet been filed, and that the jury instruction misstated the law in a prejudicial manner. The court therefore did not uphold the conviction on the prosecution's theory that Copeland attempted to dissuade a prospective civil witness.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division One
WRITING FOR THE COURT	Per Curiam; Kelet y, J.; McConnell, P. J.; Huffman, J.
JURISDICTION	California
DECIDED	March 7, 2025
DOCKET	D083131
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant appealed from a judgment entered after a jury convicted him of attempting to prevent or dissuade a witness from testifying under California Penal Code section 136.1, subdivision (a)(2).
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by examining the whole record in the light most favorable to the judgment to determine whether substantial evidence supports each element beyond a reasonable doubt. Statutory interpretation and claims of instructional error are reviewed de novo. Prejudice from the instructional error was assessed under the Chapman beyond-a-reasonable-doubt standard.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Samuel Scott Copeland v. The People

TOPICS

criminal procedure | statutory interpretation | jury instructions | appellate procedure | standard of review

PRACTICE AREAS

criminal law | criminal procedure | appellate law | statutory interpretation

QUESTIONS PRESENTED

1. Whether substantial evidence established that Wagner was a witness within the meaning of Penal Code section 136, subdivision (2), when Copeland sent the allegedly intimidating messages.
2. Whether CALCRIM No. 2622 misstated the law by defining a witness to include a person whose declaration under oath may be received as evidence.
3. Whether the prosecution, as applied to Copeland's conduct, violated the First Amendment.

HOLDINGS

1. In the civil-litigation context, Penal Code section 136, subdivision (2), does not define witness to include a potential future witness to a civil dispute that has not yet been filed. The definition covers persons who have given or had a declaration under oath received as evidence, who have been subpoenaed, or whom a reasonable person would believe had done one of those things. Because Wagner had not been subpoenaed and had not given a declaration under oath when the messages were sent, substantial evidence did not support the conviction.
2. The instruction defining witness to include a person whose declaration under oath 'has been or may be received as evidence' misstated Penal Code section 136's definition by adding a forward-looking category of possible future witnesses. The error was prejudicial because the prosecutor relied on the 'may be' language to argue that Copeland could be convicted based on conduct occurring before the civil case was filed.
3. The instructional-error claim was not forfeited by the failure to object because the challenged instruction was an incorrect statement of law.

KEY QUOTATIONS

> *"Based on our reading of the plain language of the statute, the language of related statutes, and the legislative history, we find that in a civil context, the definition of "witness" in section 136 subdivision (2) is limited to those individuals that have been subpoenaed or have given a declaration under oath, or those that a reasonable person would believe have been subpoenaed or have given a declaration under oath."* (at 16)

> *"Based on the foregoing, we conclude the definition of "witness" in the instruction given to the jury misstated the law in a prejudicial manner and is therefore an independent basis for reversal."* (at 22)

FACTUAL BACKGROUND

Samuel Scott Copeland leased property from Madelyn Wagner and cared for a pony owned by their mutual friend, Trina West. After West sought return of the pony and told Copeland she might file a civil lawsuit, Copeland sent Wagner text messages suggesting that he would withhold rent and urging her not to testify. At the

time of the messages, West had not filed the civil action, Wagner had not been subpoenaed, and she had not given a declaration under oath. A jury nevertheless convicted Copeland of attempting to prevent or dissuade a witness from testifying.

PROCEDURAL HISTORY

Copeland was arrested and charged with violating Penal Code section 136.1, subdivision (a)(2), pleaded not guilty, and was held to answer after a preliminary hearing. The trial court denied his Penal Code section 995 motion to dismiss. After trial, a jury convicted him, and the court imposed formal probation, a stayed custody sentence, restitution, and attorney-fee payments. The Court of Appeal reversed the judgment because the evidence did not establish that Wagner was a statutory witness when the alleged dissuasive communications occurred and because the jury instruction improperly expanded the statutory definition of witness.

DISPOSITION

reversed

CASES CITED

- People v. Houston, 54 Cal. 4th 1186, 1215 (2012)
- People v. Cuevas, 12 Cal. 4th 252, 260 (1995)
- People v. Lewis, 11 Cal. 5th 952, 961 (2021)
- People v. Schulz, 66 Cal. App. 5th 887, 893 (2021)
- People v. Gonzalez, 43 Cal. 4th 1118, 1126 (2008)
- People v. Valencia, 3 Cal. 5th 347, 357 (2017)
- Brown v. Kelly Broadcasting Co., 48 Cal. 3d 711, 725 (1989)
- Craven v. Crout, 163 Cal. App. 3d 779, 783 (1985)
- People v. Reynoza, 15 Cal. 5th 982, 996-999 (2024)
- People v. Wahidi, 222 Cal. App. 4th 802, 806 (2013)
- People v. Foster, 155 Cal. App. 4th 331, 335 (2007)
- People v. Womack, 40 Cal. App. 4th 926, 928, 931 (1995)
- People v. McDaniel, 22 Cal. App. 4th 278, 281-282, 284 (1994)
- People v. Waidla, 22 Cal. 4th 690, 733 (2000)
- People v. Fiore, 227 Cal. App. 4th 1362, 1378 (2014)
- People v. Musselwhite, 17 Cal. 4th 1216, 1248 (1998)
- People v. Mason, 218 Cal. App. 4th 818, 823 (2013)
- People v. Sek, 74 Cal. App. 5th 657, 668 (2022)
- Chapman v. California, 386 U.S. 18 (1967)
- Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board, 40 Cal. 4th 1, 17 n.13 (2006)

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