

SUPREME COURT OF CALIFORNIA

People v. Thompson

49 Cal. 4th 79, 109 Cal. Rptr. 3d 549, 231 P.3d 289 (Cal. 2010) · No. S056891 · Decided May 24, 2010

SUMMARY

The California Supreme Court affirmed James Alvin Thompson’s convictions for first degree murder and related special-circumstance findings, as well as his death sentence, arising from the shooting death of Ronald Gitmed. The opinion addresses, among other issues, the use of written juror questionnaires to excuse prospective jurors for cause, waiver, ineffective assistance of counsel, and evidentiary and credibility issues.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Werdegar, J.
JURISDICTION	California
DECIDED	May 24, 2010
DOCKET	S056891
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from a judgment imposing a sentence of death after a Riverside County jury convicted defendant of first degree murder, found robbery-murder and prior-murder special circumstances true, and the trial court denied motions for a new trial and penalty modification.
STANDARD OF REVIEW	The court reviewed suppression rulings by deferring to the trial court's factual findings if supported by substantial evidence but independently reviewing the application of law to those facts. It reviewed juror-cause determinations based solely on written questionnaires de novo, Batson/Wheeler rulings deferentially for substantial evidence, sufficiency of the evidence under the substantial-evidence standard, evidentiary rulings for abuse of discretion, and prosecutorial-misconduct claims under the reasonable-likelihood standard subject to preservation requirements.
PRECEDENTIAL VALUE	published and precedential
PARTIES	James Alvin Thompson v. The People

TOPICS

sentencing jury selection suppression of evidence criminal procedure due process

PRACTICE AREAS

criminal law capital punishment criminal procedure evidence constitutional law appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court constitutionally could excuse prospective jurors for cause based solely on written questionnaires without oral follow-up questioning.
2. Whether the trial court improperly excused prospective jurors for cause and applied unequal standards to jurors opposed to and favoring the death penalty.
3. Whether the prosecutor's peremptory challenges violated Batson and Wheeler.
4. Whether police had probable cause to conduct a warrantless automobile and container search and whether the defendant could challenge the search.
5. Whether substantial evidence supported first degree murder under direct-perpetrator and aiding-and-abetting theories.
6. Whether substantial evidence supported the robbery-murder special circumstance and the major-participant/reckless-indifference requirements.
7. Whether the split verdict on the personal-firearm-use allegation required reversal or established that the jury relied on an aiding-and-abetting theory.
8. Whether prosecutorial misconduct, evidentiary errors, or ineffective assistance of counsel required reversal.
9. Whether accomplice testimony was adequately corroborated and whether Mercurio's testimony was inherently incredible.

HOLDINGS

1. A trial court may excuse a prospective capital-case juror for cause based solely on written questionnaire responses when those responses clearly leave no doubt that the juror is substantially impaired under *Wainwright v. Witt* and cannot set aside personal views to follow the law.
2. When a juror-cause ruling is based solely on the cold record of written questionnaire answers, appellate deference based on demeanor is unwarranted and the reviewing court independently reviews the record.
3. The trial court properly denied the Batson/Wheeler motion because the prosecutor offered race-neutral reasons for the challenged strikes and the trial court made a sincere and reasoned evaluation of those explanations supported by substantial evidence.
4. The warrantless search of the automobile and duffel bags was supported by probable cause under *California v. Acevedo*, and the suppression motion was properly denied.

5. Substantial evidence supported Thompson's first degree murder conviction under theories of premeditated and deliberate murder and felony murder, including direct-perpetrator and aiding-and-abetting theories.
6. The jury's not-true finding on the personal-firearm-use allegation did not establish that the jury relied exclusively on an aiding-and-abetting theory and did not require reversal of the murder conviction.
7. Substantial evidence supported the robbery-murder special circumstance, including the conclusion that Thompson was at least a major participant who acted with reckless indifference to human life if liability rested on aiding and abetting.
8. Mercurio's testimony was sufficiently corroborated under California Penal Code section 1111.
9. Mercurio's testimony was not inherently incredible because it described no physical impossibility and its alleged conflicts with other evidence required inference and credibility assessment.

KEY QUOTATIONS

“reliance on written responses alone to excuse prospective jurors for cause is permissible if, from those responses, it is clear (and “leave[s] no doubt”) that a prospective juror’s views about the death penalty would satisfy the Witt standard (Wainwright v. Witt, supra, 469 U.S. 412) and that the juror is not willing or able to set aside his or her personal views and follow the law.” (at 97)

“Aider and abettor liability is premised on the combined acts of all the principals, but on the aider and abettor’s own mens rea.” (at 117)

“It is often an oversimplification to describe one person as the actual perpetrator and the other as the aider and abettor.” (at 118)

“It shows only that there was a reasonable doubt in the minds of the jurors that defendant specifically used a knife. It does not show the reverse, that the jury specifically found defendant was an aider and abettor.” (at 120)

FACTUAL BACKGROUND

James Alvin Thompson met Ronald Gitmed in Riverside County and persuaded him to drive to a trailer compound where Thompson knew Anthony Mercurio. Thompson, Gitmed, and Mercurio later drove to Canyon Lake, where Gitmed was shot three times and his body was found floating in the lake. Evidence showed Thompson thereafter possessed or disposed of Gitmed's car and property, cleaned a gun, burned papers, and made statements concerning a man left floating in the lake. Mercurio testified that Thompson robbed and shot Gitmed, while the defense challenged Mercurio's credibility and presented an alibi.

PROCEDURAL HISTORY

A jury convicted Thompson of first degree murder and found true special circumstance allegations that the murder occurred during a robbery and that Thompson had a prior murder conviction. The jury returned a death verdict, and the trial court denied postverdict motions and imposed the death penalty. The California Supreme Court reviewed the judgment on automatic appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- Wainwright v. Witt, 469 U.S. 412 (1985)
- People v. Wilson, 44 Cal. 4th 758, 781-790 (2008)
- People v. Avila, 38 Cal. 4th 491, 529-530 (2006)
- Batson v. Kentucky, 476 U.S. 79 (1986)
- Johnson v. California, 545 U.S. 162 (2005)
- People v. Lenix, 44 Cal. 4th 602, 613 (2008)
- California v. Acevedo, 500 U.S. 565, 580 (1991)
- People v. Hoyos, 41 Cal. 4th 872, 891 (2007)
- People v. Halvorsen, 42 Cal. 4th 379, 419 (2007)
- People v. Anderson, 70 Cal. 2d 15, 33 (1968)
- People v. Osband, 13 Cal. 4th 622, 697 (1996)
- People v. Marks, 31 Cal. 4th 197, 230, 233 (2003)
- People v. McCoy, 25 Cal. 4th 1111, 1120 (2001)
- People v. Perez, 35 Cal. 4th 1219, 1225 (2005)
- People v. Pulido, 15 Cal. 4th 713, 719 (1997)
- People v. Guiton, 4 Cal. 4th 1116, 1130 (1993)
- People v. Santamaria, 8 Cal. 4th 903, 917-919 (1994)
- Darden v. Wainwright, 477 U.S. 168, 181 (1986)
- People v. Alfaro, 41 Cal. 4th 1277, 1328 (2007)
- People v. Smithey, 20 Cal. 4th 936, 960 (1999)
- People v. Abilez, 41 Cal. 4th 472, 505 (2007)
- People v. Barnes, 42 Cal. 3d 284, 306 (1986)
- People v. Jones, 51 Cal. 3d 294, 314-315 (1990)
- People v. Williams, 44 Cal. 3d 883, 927 (1988)