

SUPREME COURT OF NORTH CAROLINA

State v. Peterson, 361 N.C. 587

652 S.E.2d 216 (2007) · No. No. 547A06 · Decided November 9, 2007

SUMMARY

The Supreme Court of North Carolina affirmed Michael Iver Peterson's conviction for the first-degree murder of Kathleen Peterson. The court held that the admission of evidence obtained under an invalid third search warrant was harmless beyond a reasonable doubt, that evidence concerning the 1985 death of Elizabeth Ratliff was properly admitted, and that challenged statements in the prosecution's closing argument did not warrant a new trial.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Brady, Justice
JURISDICTION	North Carolina
DECIDED	November 9, 2007
DOCKET	No. 547A06
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right from a divided Court of Appeals decision affirming his first-degree murder conviction. The appeal presented issues arising from a dissent in the Court of Appeals.
STANDARD OF REVIEW	Constitutional harmless error is reviewed under the harmless-beyond-a-reasonable-doubt standard, with the State bearing the burden of proof. Evidentiary rulings under Rules 403 and 404(b) are reviewed for abuse of discretion. A trial court's findings of fact concerning the basis for an evidentiary ruling are conclusive when supported by competent evidence. Rulings on preserved objections to closing argument are reviewed for abuse of discretion, including whether the remarks were improper and, if so, whether they were sufficiently prejudicial to warrant a new trial.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of North Carolina; precedential.
PARTIES	Michael Iver Peterson v. State of North Carolina

TOPICS

suppression of evidence

exclusionary rule

evidence

prosecutorial misconduct

appellate procedure

PRACTICE AREAS

criminal procedure

criminal evidence

appellate litigation

QUESTIONS PRESENTED

1. Whether admission of evidence seized pursuant to an invalid third search warrant was harmless beyond a reasonable doubt.
2. Whether evidence concerning the 1985 death of Elizabeth Ratliff was admissible under Rules 401, 402, 403, and 404(b) of the North Carolina Rules of Evidence.
3. Whether challenged statements during the prosecution's closing argument were sufficiently prejudicial to require a new trial.

HOLDINGS

1. Admission of evidence obtained through the invalid third search warrant was harmless beyond a reasonable doubt because the State presented overwhelming, independent, and untainted evidence of Peterson's guilt and possible motives.
2. The trial court did not abuse its discretion by admitting evidence concerning Ratliff's death under Rule 404(b), because substantial circumstantial evidence supported a reasonable inference that Peterson was involved and the similarities between the deaths made the evidence relevant to intent, knowledge, plan, and absence of accident; its probative value was not substantially outweighed by unfair prejudice.
3. Although the prosecutor's statements vouching for the credibility of State-employed experts were improper, they did not constitute reversible error because, considered in the context of the entire five-month trial and closing arguments, they were not sufficiently prejudicial to deny due process or require a new trial.

KEY QUOTATIONS

"Because admission of the evidence illegally obtained through the invalid third search warrant is an error of constitutional magnitude, we must determine whether the error was harmless beyond a reasonable doubt." (at 223)

"Thus, the prosecution was not required to present to the trial court direct evidence of defendant's involvement in the death of Elizabeth Ratliff, but could present circumstantial evidence which tends 'to support a reasonable inference that the same person committed both the earlier and later acts.'" (at 227)

"However, this Court has held that when the trial court instructs the jury to disregard improper arguments and instructs counsel to confine his arguments to those matters contained in evidence, such an instruction renders the error caused by the improper arguments cured." (at 230)

FACTUAL BACKGROUND

Peterson was convicted of murdering his wife, Kathleen Peterson, who was found at the bottom of a stairway with extensive blood evidence and multiple blunt-force head injuries. The State presented evidence that the injuries were inconsistent with an accidental fall and that Peterson stood to benefit financially from his wife's death. The trial court admitted computer evidence seized under a later search warrant, evidence concerning the 1985 death of Elizabeth Ratliff, and challenged portions of the prosecution's closing argument.

PROCEDURAL HISTORY

A Durham County grand jury indicted Peterson for first-degree murder on December 20, 2001. After a five-month trial, a jury convicted him on October 10, 2003, and the trial court imposed life imprisonment without parole. The Court of Appeals affirmed in a divided opinion. The Supreme Court of North Carolina denied discretionary review of additional issues and considered the three issues preserved through the Court of Appeals dissent.

DISPOSITION

affirmed

CASES CITED

- Chapman v. California, 386 U.S. 18, 24, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)
- State v. Tirado, 358 N.C. 551, 581, 599 S.E.2d 515, 536 (2004), cert. denied, 544 U.S. 909 (2005)
- State v. Spaulding, 288 N.C. 397, 407-08, 219 S.E.2d 178, 185 (1975), vacated in part on other grounds, 428 U.S. 904 (1976)
- Sullivan v. Louisiana, 508 U.S. 275, 279, 113 S. Ct. 2078, 124 L. Ed. 2d 182 (1993)
- State v. Hamby, 276 N.C. 674, 678, 174 S.E.2d 385, 387 (1970), judgment vacated in part on other grounds, 408 U.S. 937 (1972)
- State v. Elliott, 344 N.C. 242, 273, 475 S.E.2d 202, 216 (1996), cert. denied, 520 U.S. 1106 (1997)
- State v. Gainey, 343 N.C. 79, 84, 468 S.E.2d 227, 230 (1996)
- State v. Van Landingham, 283 N.C. 589, 600, 197 S.E.2d 539, 546 (1973)
- State v. Cummings, 361 N.C. 438, 471-72, 648 S.E.2d 788, 808 (2007)
- State v. Wiggins, 334 N.C. 18, 38, 431 S.E.2d 755, 767 (1993)
- State v. Jeter, 326 N.C. 457, 459, 389 S.E.2d 805, 806-07 (1990)
- State v. Stager, 329 N.C. 278, 303-07, 406 S.E.2d 876, 890-93 (1991)
- State v. AlBayyinah, 359 N.C. 741, 747-48, 616 S.E.2d 500, 506-07 (2006), cert. denied, 547 U.S. 1076 (2006)
- State v. Elliott, 360 N.C. 400, 419, 628 S.E.2d 735, 748 (2006), cert. denied, 127 S. Ct. 505 (2006)
- State v. Hennis, 323 N.C. 279, 285, 372 S.E.2d 523, 527 (1988)
- State v. Lasiter, 361 N.C. 299, 302, 643 S.E.2d 909, 911 (2007)
- Wainwright v. Witt, 469 U.S. 412, 434, 105 S. Ct. 844, 83 L. Ed. 2d 841 (1985)
- State v. Moseley, 338 N.C. 1, 50, 449 S.E.2d 412, 442 (1994), cert. denied, 514 U.S. 1091 (1995)

- State v. Allen, 360 N.C. 297, 306, 626 S.E.2d 271, 280 (2006), cert. denied, 127 S. Ct. 164 (2006)
- State v. Call, 349 N.C. 382, 419, 508 S.E.2d 496, 519 (1998)
- State v. Jones, 355 N.C. 117, 131-33, 558 S.E.2d 97, 106-07 (2002)
- Coble v. Coble, 79 N.C. 589 (1878)
- State v. Soyars, 332 N.C. 47, 60, 418 S.E.2d 480, 487-88 (1992)
- State v. Britt, 291 N.C. 528, 537, 231 S.E.2d 644, 651 (1977)
- State v. Green, 336 N.C. 142, 186, 443 S.E.2d 14, 40 (1994), cert. denied, 513 U.S. 1046 (1994)
- Darden v. Wainwright, 477 U.S. 168, 181 (1986)
- Donnelly v. DeChristoforo, 416 U.S. 637 (1974)
- State v. Sanders, 303 N.C. 608, 618, 281 S.E.2d 7, 13 (1981), cert. denied, 454 U.S. 973 (1981)
- State v. Allen, 353 N.C. 504, 546 S.E.2d 372 (2001)
- State v. Rosier, 322 N.C. 826, 829, 370 S.E.2d 359, 361 (1988)