

SUPREME COURT OF UTAH

State v. Boyd

25 P.3d 985 (Utah 2001) · No. No. 981336 · Decided March 27, 2001

SUMMARY

The Utah Supreme Court affirmed Tyrone T. Boyd’s rape conviction arising from an incident at an underage party. The court rejected challenges concerning sufficiency of the evidence, the absence of a court reporter, admission of nickname and conduct evidence, a motion for a new trial, sentencing to a lower degree of offense, and exclusion of evidence concerning the victim’s sexual conduct. The court held that although evidence of another potential source of physical evidence could fall within Utah Rule of Evidence 412(b)(1), its exclusion was not reversible error under Rule 403.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Durrant; Chief Justice Howe; Associate Chief Justice Russon; Justice Durham; Justice Wilkins
JURISDICTION	Utah
DECIDED	March 27, 2001
DOCKET	No. 981336
DISPOSITION	affirmed
PROCEDURAL POSTURE	Boyd appealed his jury conviction for rape, challenging the sufficiency of the evidence, trial-record procedures, evidentiary rulings, denial of a new trial, sentencing, and jury deliberations.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by viewing the evidence and reasonable inferences in the light most favorable to the verdict; a conviction is overturned only when competent evidence is insufficient as to an element of the crime. Unpreserved claims are reviewed for plain error, requiring an obvious error and harmfulness. Evidentiary rulings under Utah Rules of Evidence 401, 403, and 412 are reviewed under deferential standards, including abuse of discretion. A motion for a new trial based on newly discovered evidence is reviewed for abuse of discretion. Sentencing decisions are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

evidence

criminal procedure

appellate procedure

harmless error

standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Boyd's rape conviction.
2. Whether the absence of a court reporter during the first-degree-felony trial required reversal.
3. Whether evidence concerning Boyd's and his companions' nicknames, dancing, and chanting was improperly admitted under the relevance and unfair-prejudice rules.
4. Whether the trial court abused its discretion by denying Boyd's motion for a new trial based on newly discovered evidence.
5. Whether the trial court erred in denying Boyd's motion for conviction of a lower degree of offense under Utah Code section 76-3-402(1).
6. Whether the trial court erred by refusing to permit a testimonial proffer of evidence concerning S.B.'s past sexual conduct.
7. Whether evidence that S.B. had sexual intercourse with another person earlier that evening was admissible under Utah Rule of Evidence 412 or whether the State waived the rule's protection.
8. Whether the trial court plainly erred by failing to advise the jury that it could adjourn deliberations for the evening.

HOLDINGS

1. The evidence was sufficient to support the rape conviction because competent evidence, including S.B.'s testimony and corroborating physical and emotional evidence, supported each element of the offense beyond a reasonable doubt.
2. The trial court erred by failing to provide an official court reporter for a first-degree-felony trial in a computer-integrated courtroom, but the error was harmless and did not require reversal.
3. The trial court did not abuse its discretion in admitting evidence concerning Boyd's and his companions' nicknames, dancing, and chanting because the evidence was relevant background to the charged rape and its probative value was not substantially outweighed by unfair prejudice.
4. The trial court did not abuse its discretion by denying a new trial based on alleged posttrial statements that S.B. said the intercourse was consensual.
5. The trial court did not abuse its discretion in refusing to enter a judgment of conviction for a lower degree of offense under Utah Code section 76-3-402(1).

6. Evidence that S.B. had intercourse with another person earlier that evening fit the specific-source exception in Utah Rule of Evidence 412(b)(1), but the trial court properly excluded it under Rule 403 because its probative value was substantially outweighed by its prejudicial and confusing effects.
7. Neither S.B.'s statement about Boyd taking something from her nor Dr. Larsen's testimony that he believed S.B. was a virgin waived S.B.'s protection under Rule 412.
8. The trial court did not plainly err by failing to advise the jury that it could adjourn deliberations for the evening.

KEY QUOTATIONS

“It is the exclusive function of the jury to weigh the evidence and to determine the credibility of the witnesses.” (25 P.3d at 991)

“Thus, the safeguards of rule 412 are for the benefit of the victim herself, in this case, S.B., and only she could have waived them.” (25 P.3d at 996)

FACTUAL BACKGROUND

At a large, alcohol-fueled party near Baker's Dam, Boyd dragged fifteen-year-old S.B. into a wooded area after police presence caused many attendees to flee. When S.B. resisted and told Boyd no, he held her down and engaged in sexual intercourse with her; she later reported the assault and was examined at a hospital. Medical evidence included debris, bruising, and injuries consistent with a struggle and forceful attempted penetration. At trial, Boyd sought to introduce evidence of S.B.'s other sexual conduct that evening, but the trial court excluded it under Utah Rule of Evidence 412 and Rule 403.

PROCEDURAL HISTORY

The State charged Boyd with rape and possession or consumption of an alcoholic beverage by a minor. Boyd pleaded guilty to the misdemeanor charge, and a jury convicted him of rape. The trial court denied his posttrial motions, including motions for a new trial, judgment notwithstanding the verdict, and conviction of a lower degree of offense, and sentenced him. The Utah Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hopkins, 1999 UT 98, ¶ 2, 989 P.2d 1065
- State v. Hamilton, 827 P.2d 232, 233-34 (Utah 1992)
- Crookston v. Fire Ins. Exch., 817 P.2d 789, 799 (Utah 1991)
- State v. Layman, 1999 UT 79, ¶ 12, 985 P.2d 911
- State v. Dunn, 850 P.2d 1201, 1208-09, 1213, 1221 (Utah 1993)
- State v. Howell, 649 P.2d 91, 97 (Utah 1982)

- State v. Booker, 709 P.2d 342, 345 (Utah 1985)
- State v. James, 819 P.2d 781, 784-85 (Utah 1991)
- State v. Real Property at 633 E. 640 N., 942 P.2d 925, 929 (Utah 1997)
- State v. Daniels, 584 P.2d 880, 882 (Utah 1978)
- State v. Pierce, 722 P.2d 780, 782 (Utah 1986)
- State v. Johnson, 784 P.2d 1135, 1141 (Utah 1989)
- State v. Morgan, 813 P.2d 1207, 1210 n. 4 (Utah Ct. App. 1991)
- State v. Martin, 1999 UT 72, ¶ 5, 984 P.2d 975
- State v. Worthen, 765 P.2d 839, 851 (Utah 1988)
- State v. Hawkins, 81 Utah 16, 32, 16 P.2d 713, 719 (1932)
- State v. Woodland, 945 P.2d 665, 671 (Utah 1997)
- State v. Gibbons, 779 P.2d 1133, 1135 (Utah 1989)
- State v. Pena, 869 P.2d 932, 937-38 (Utah 1994)
- State v. Menzies, 889 P.2d 393, 404 (Utah 1994)
- State v. Burns, 2000 UT 56, ¶ 35, 4 P.3d 795
- State v. Young, 853 P.2d 327, 361 (Utah 1993)
- State v. Heaps, 2000 UT 5, ¶¶ 13-18, 999 P.2d 565

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