

CALIFORNIA COURT OF APPEAL, THIRD APPELLATE DISTRICT

Williams v. Superior Court

Williams v. Superior Court · No. C083126 · Decided October 17, 2017

SUMMARY

The California Court of Appeal granted Darren Williams's petition for a writ of mandate challenging an indictment arising from alleged cell phone store robberies. The court held that the prosecutor's improper excusal of a grand juror for hardship substantially impaired the grand jury's independence and impartiality, requiring dismissal of the indictment. The opinion was modified to clarify that the court's stay order would be vacated upon finality of the opinion, with no change in judgment.

CASE DETAILS

COURT	California Court of Appeal, Third Appellate District
WRITING FOR THE COURT	Renner, J.; Butz, Acting P.J.; Duarte, J.
JURISDICTION	California
DECIDED	October 17, 2017
DOCKET	C083126
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in mandate challenging the superior court's denial of a Penal Code section 995 motion to dismiss a grand jury indictment.
STANDARD OF REVIEW	The Court of Appeal reviewed the grand jury proceedings and the superior court's denial of extraordinary writ relief de novo as to the legal issues concerning the effect of the prosecutor's statutory violation on the indictment.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Darren Williams v. The Superior Court of San Joaquin County, The People

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QUESTIONS PRESENTED

1. Whether a prosecutor's improper excusal of a grand juror for hardship violated the grand jury's independence and required dismissal of the indictment.
2. Whether the reduction of the grand jury from the required 19 members to 18 rendered the indictment void or otherwise invalid.
3. Whether the petitioner's additional challenge concerning the prosecutor's handling of Juror No. 10 was preserved for appellate review.
4. Whether the indictment should be dismissed based on challenges to the sufficiency of the evidence supporting gang allegations and charges concerning the March 10, 2014 robbery.

HOLDINGS

1. The prosecutor's improper excusal of Juror No. 15 substantially impaired the grand jury's independence and impartiality and required dismissal of the indictment as to Williams.
2. The indictment was not void for lack of jurisdiction merely because the prosecutor's action left the grand jury below the required total of 19 jurors, where at least 12 jurors concurred in the indictment.
3. The claim concerning the prosecutor's handling of Juror No. 10 was forfeited because Williams did not raise that claim in the superior court.

KEY QUOTATIONS

“Thus, under the statutory scheme, it is the grand jury’s function to determine whether probable cause exists to accuse a defendant of a particular crime.” (5)

“due process rights might be violated if the grand jury proceedings are conducted in such a way as to compromise the grand jury’s ability to act independently and impartially.” (11-12)

“The deputy district attorney’s improper use of judicial authority went to the very structure the Legislature has provided to keep these constitutional fixtures necessarily independent.” (13)

FACTUAL BACKGROUND

A San Joaquin County grand jury of 19 required jurors was hearing charges arising from a series of cell phone store robberies. At the outset of the proceedings, the deputy district attorney—not the court—excused Juror No. 15 after learning that jury service would cause her economic hardship. The juror was not replaced, leaving 18 jurors, and at least 12 jurors later concurred in a 68-page indictment. The prosecutor's excusal was announced in front of the remaining grand jurors, who could therefore have understood that the prosecutor possessed authority over juror service.

PROCEDURAL HISTORY

Williams was charged by grand jury indictment with multiple robbery-related offenses and other charges. He moved under Penal Code section 995 to dismiss the indictment, arguing that the prosecutor improperly excused a grand juror for hardship and thereby impaired the grand jury's independence and composition; the superior court

denied the motion. The Court of Appeal issued an order to show cause, stayed further proceedings, granted the petition, and directed the superior court to enter a new order granting the motion to dismiss.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Issue a peremptory writ vacating the superior court's order denying Williams's motion to dismiss the indictment and direct the superior court to enter a new order granting the motion as to the charges and allegations against Williams. The People may continue prosecution by seeking another indictment or filing another complaint. The Court of Appeal's stay order is vacated upon finality of the opinion.

CASES CITED

- Avitia v. Superior Court (Apr. 18, 2017, C082859) [nonpub. opn.], review granted June 21, 2017, S242030
- People v. Standish (2006) 38 Cal. 4th 858, 882
- Cummiskey v. Superior Court (1992) 3 Cal. 4th 1018, 1024, 1026
- Johnson v. Superior Court of San Joaquin County (1975) 15 Cal. 3d 248, 253-254
- United States v. Williams (1992) 504 U.S. 36, 47
- Daily Journal Corp. v. Superior Court (1999) 20 Cal. 4th 1117, 1122
- People v. Superior Court (Mouchaourab) (2000) 78 Cal. App. 4th 403, 415, 424-425
- Packer v. Superior Court (2011) 201 Cal. App. 4th 152, 156-157, 163, 167, 171
- Bruner v. Superior Court (1891) 92 Cal. 239, 241-242, 249, 251-252, 256
- Fitts v. Superior Court of Los Angeles County (1935) 4 Cal. 2d 514, 517-521
- People v. Hunter (1879) 54 Cal. 65, 65-67
- People v. Simmons (1897) 119 Cal. 1, 3-4
- McGill v. Superior Court (2011) 195 Cal. App. 4th 1454, 1464, 1499, 1503-1504, 1508
- Berardi v. Superior Court (2007) 149 Cal. App. 4th 476, 481, 495-496
- Dustin v. Superior Court (2002) 99 Cal. App. 4th 1311, 1320
- De Leon v. Hartley (N.M. 2014) 316 P.3d 896, 899