

DISTRICT OF COLUMBIA COURT OF APPEALS

Melendez v. United States

10 A.3d 147 (D.C. 2010) · No. 08-CF-1516 · Decided December 23, 2010

SUMMARY

The District of Columbia Court of Appeals affirmed Hernan Melendez's convictions for second-degree murder while armed, assault with a dangerous weapon, and possession of a prohibited weapon. The court held that the trial court properly excluded proposed questioning of prosecution witness William Luna concerning alleged bias because defense counsel failed to make an adequate factual proffer establishing that Luna had violated a New York stay-away order or had reason to curry favor with the government.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Ferren, Senior Judge; Reid, Associate Judge; Fisher, Associate Judge
JURISDICTION	District of Columbia
DECIDED	December 23, 2010
DOCKET	08-CF-1516
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury trial, Melendez was convicted of second-degree murder while armed, assault with a dangerous weapon, and possession of a prohibited weapon. The trial court precluded defense counsel from examining government witness William Luna about an alleged violation of a New York stay-away order and its potential effect on Luna's bias. Melendez appealed, asserting a violation of his Sixth Amendment right to confront witnesses.
STANDARD OF REVIEW	The court reviewed the trial court's limitation of bias cross-examination for error, while recognizing that counsel must first lay an adequate factual foundation for the proposed inquiry.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the District of Columbia Court of Appeals.
PARTIES	Hernan Melendez v. United States

TOPICS

sixth amendment

impeachment

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

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QUESTIONS PRESENTED

1. Whether the trial court violated Melendez's Sixth Amendment right to confront witnesses by precluding cross-examination of William Luna concerning an alleged violation of a New York stay-away order and the resulting potential bias in favor of the government.
2. Whether defense counsel laid a sufficient factual foundation to establish that the proposed inquiry was relevant and probative of Luna's alleged bias.

HOLDINGS

1. Before a defendant may pursue a line of questioning suggesting that a witness is biased, counsel must lay a proper foundation by proffering facts supporting a genuine belief or well-reasoned suspicion that the witness is biased in the asserted manner.
2. The trial court did not err in precluding the proposed examination because defense counsel failed to provide an adequate factual proffer that Luna had violated the New York stay-away order or that the alleged violation created a bias in favor of the government.

KEY QUOTATIONS

"In short, there will be no abridgment of constitutional rights, or other trial court error, when the court precludes counsel from cross-examining a witness for alleged bias on baseless matters unrelated to the case." (151)

"In order to lay a proper foundation for bias cross-examination, therefore, defense counsel must proffer 'a reasonable factual foundation,' (Melvin) Brown v. United States, 952 A.2d 942, 947 (D.C. 2008); that is, 'some facts which support a genuine belief that the witness is biased in the manner asserted, ... or at least a well-reasoned suspicion rather than an improbable flight of fancy to support the proposed cross-examination.'" (152)

FACTUAL BACKGROUND

Melendez was convicted after evidence showed that a man beat Andres Benitez with a baseball bat and struck Eric Umana with the bat. Several eyewitnesses identified Melendez as the attacker, and the government presented blood-spatter and DNA evidence linking Benitez's blood to Melendez's clothing and the bat. Melendez claimed that William Luna was the actual perpetrator and sought to impeach Luna by showing that Luna had a motive to curry favor with the government because of a New York stay-away order allegedly violated while Luna was testifying under immunity.

PROCEDURAL HISTORY

Melendez was convicted following a jury trial. During the defense examination of William Luna, the trial court barred inquiry into Luna's alleged violation of a New York sentencing-related stay-away order because counsel had not established its relevance to bias and the matter was collateral and potentially confusing. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- McClary v. United States, 3 A.3d 346, 352 (D.C. 2010)
- Delaware v. Van Arsdall, 475 U.S. 673, 678-80, 106 S. Ct. 1431, 89 L. Ed. 2d 674 (1986)
- Davis v. Alaska, 415 U.S. 308, 318, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974)
- Ford v. United States, 549 A.2d 1124, 1126 (D.C. 1988)
- Ray v. United States, 620 A.2d 860, 862 (D.C. 1993)
- Scull v. United States, 564 A.2d 1161, 1164 & n.4 (D.C. 1989)
- United States v. Pugh, 436 F.2d 222, 225 (D.C. Cir. 1970)
- Jones v. United States, 516 A.2d 513, 516-18 (D.C. 1986)
- (Melvin) Brown v. United States, 952 A.2d 942, 947-48 & n.7 (D.C. 2008)
- Howard v. United States, 978 A.2d 1202, 1207 (D.C. 2009)
- McCraney v. United States, 983 A.2d 1041, 1052-53 (D.C. 2009)
- Blunt v. United States, 863 A.2d 828, 834-35 (D.C. 2004)
- Randolph v. United States, 882 A.2d 210, 218 (D.C. 2005)