

SUPREME COURT OF MISSOURI

State of Missouri v. Nicklous D. Churchill

98 S.W.3d 536 (Mo. banc 2003) · No. SC 84695 · Decided March 4, 2003

SUMMARY

The Supreme Court of Missouri reversed Nicklous D. Churchill's conviction for first-degree statutory sodomy and remanded for a new trial. The court held that an expert witness's testimony that the alleged child sexual abuse "was real" improperly expressed an opinion on the victim's credibility and invaded the province of the jury. The court concluded that the testimony was sufficiently prejudicial to deprive Churchill of a fair trial.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Ronnie L. White
JURISDICTION	Missouri
DECIDED	March 4, 2003
DOCKET	SC 84695
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Churchill appealed his conviction for first-degree statutory sodomy. He challenged the admission of an expert witness's particularized opinion that the alleged abuse was real and had occurred. The Supreme Court of Missouri reversed the conviction and remanded for a new trial.
STANDARD OF REVIEW	The admissibility of evidence is reviewed for prejudice, not mere error, and reversal is warranted only when the error was so prejudicial that it deprived the defendant of a fair trial. Trial courts have broad discretion in admitting evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Nicklous D. Churchill v. State of Missouri

TOPICS

- expert testimony
- evidence
- harmless error
- standard of review
- criminal procedure

PRACTICE AREAS

criminal law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether an expert witness may offer particularized testimony opining that a child sexual-abuse victim was telling the truth or that the alleged abuse actually occurred.
2. Whether the admission of the expert's particularized opinion was sufficiently prejudicial to deprive Churchill of a fair trial and require reversal.

HOLDINGS

1. Particularized expert testimony regarding a specific victim's credibility or whether the alleged abuse occurred is inadmissible because it invades the province of the jury.
2. The trial court committed reversible error by overruling Churchill's objection to testimony that the alleged abuse was real and had occurred, because the testimony improperly bolstered the child's credibility and deprived Churchill of a fair trial.

KEY QUOTATIONS

"When determining the admissibility of opinion testimony, expert witnesses should not be allowed to give their opinion as to the veracity of another witness's statement, because in so doing, they invade the province of the jury." (98 S.W.3d at 538)

"The trial court has broad discretion in admitting general testimony, but when particularized testimony is offered, it must be rejected because it usurps the decision-making function of the jury and, therefore, is inadmissible." (98 S.W.3d at 538-39)

"Dr. Solomon's testimony that A.T.'s alleged abuse 'was real' infringed upon the decision-making function of the jury and prejudiced Churchill by bolstering A.T.'s testimony with the credibility of a professional." (98 S.W.3d at 539)

FACTUAL BACKGROUND

Churchill had a short relationship with the victim's mother and lived in her home for approximately ten days. After the relationship ended, the child told her mother that Churchill had sexually abused her several times while her mother slept. A forensic examination showed no physical signs of abuse, although the examining physician testified about behavioral changes and ultimately stated that the alleged abuse was real and had occurred. The jury convicted Churchill after the trial court overruled his objections to that testimony.

PROCEDURAL HISTORY

Churchill was charged with first-degree statutory sodomy under section 566.062. Before trial, the court held a hearing under section 491.075 concerning the admissibility of the child victim's testimony and warned the State's expert not to comment on the victim's believability. At trial, the expert nevertheless testified that the alleged abuse was real and had occurred to the victim. The trial court overruled Churchill's objections and denied his

request for a mistrial; Churchill was convicted, and the Supreme Court of Missouri reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for a new trial.

CASES CITED

- State v. Anderson, 76 S.W.3d 275, 277 (Mo. banc 2002)
- State v. Johns, 34 S.W.3d 93, 103 (Mo. banc 2000)
- State v. Savory, 893 S.W.2d 408, 410-11 (Mo. App. 1995)
- State v. Lawhorn, 762 S.W.2d 820, 823 (Mo. banc 1988)
- State v. Williams, 858 S.W.2d 796, 798-99 (Mo. App. 1993)
- State v. Johnston, 957 S.W.2d 734, 749 (Mo. banc 1997)

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