

SUPREME COURT OF CALIFORNIA

People v. Bennett

45 Cal. 4th 577 (Cal. 2009) · No. S058472 · Decided January 29, 2009

SUMMARY

The Supreme Court of California reviewed Eric Wayne Bennett's automatic appeal from his convictions for first degree murder, rape, forcible oral copulation, robbery, and burglary, along with the resulting death sentence. The court addressed claims concerning the recording of grand jury proceedings and alleged prosecutorial misconduct related to DNA evidence. It affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Moreno, J.
JURISDICTION	California
DECIDED	January 29, 2009
DOCKET	S058472
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from a judgment imposing a death sentence after a jury convicted defendant of first degree murder with rape and burglary special circumstances and related sexual-assault, robbery, and burglary offenses.
STANDARD OF REVIEW	The court applied claim-specific standards, including abuse of discretion for separate-jury, mistrial, juror-retention, juror-inquiry, and reinstruction rulings; substantial evidence review for a juror-retention determination; harmless-beyond-a-reasonable-doubt review for the erroneous exclusion of mitigation evidence and any assumed instructional error; and de novo legal analysis for constitutional and statutory claims.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential.
PARTIES	Eric Wayne Bennett v. The People

TOPICS

- criminal procedure
- prosecutorial misconduct
- evidence
- jury selection
- sentencing

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the failure to record prospective-grand-juror interviews and alleged communications between prosecutors and the grand jury violated California law or the federal Constitution and required reversal.
2. Whether the prosecutor committed reversible misconduct by questioning witnesses about the availability or possible retesting of DNA evidence and allegedly invading work product, attorney-client privilege, or shifting the burden of proof.
3. Whether the jury was adequately instructed on concurrence of act and intent, the limits of first degree felony murder, and the required relationship between the felony and the killing.
4. Whether the trial court erred by denying a request for a separate penalty-phase jury.
5. Whether the court properly excluded expert testimony concerning the effect of Bennett's execution on his children.
6. Whether various penalty-phase evidentiary rulings and prosecutorial arguments constituted reversible error.
7. Whether the trial court abused its discretion by retaining jurors whose work-related hardship or emotional difficulty allegedly impaired their ability to deliberate or affirm the verdict.
8. Whether alleged juror misconduct and inconsistencies concerning a juror's prior detention or arrest required a new trial.
9. Whether cumulative error or misconduct required reversal of the convictions or death sentence.

HOLDINGS

1. The failure to record the prospective-grand-juror interviews did not violate Penal Code section 190.9 because no criminal case yet existed when those interviews occurred, and Bennett failed to show prejudice from any record deficiency. Alleged unreported prosecutor-grand-jury communications likewise did not warrant postconviction reversal because their existence and prejudicial effect were not established.
2. The prosecutor's questions about the availability of DNA samples for retesting did not constitute reversible prosecutorial misconduct, did not violate work product or attorney-client privilege, did not violate Griffin, and did not shift the burden of proof.
3. The standard CALJIC instructions adequately conveyed the concurrence of act and specific intent required for first degree felony murder and properly limited the doctrine to a killing occurring during the commission or attempted commission of rape or burglary. Any assumed instructional error was harmless beyond a reasonable doubt.
4. The trial court did not abuse its discretion or violate the Constitution by denying Bennett's request for a separate penalty-phase jury. Tactical tension between guilt- and penalty-phase strategies did not constitute good cause for replacing the guilt-phase jury.

5. Evidence concerning the effect of a defendant's execution on his children is not admissible as mitigation under California Penal Code section 190.3 because it concerns family distress rather than the defendant's own background or character.
6. The trial court committed harmless error by excluding testimony that Bennett was concerned about his family's well-being, but the remaining challenged penalty-phase evidentiary rulings were within the court's discretion and did not require reversal.
7. The trial court did not abuse its discretion by retaining Jurors Nos. 84 and 20, declining to conduct a broader inquiry into Juror No. 20's vague concern about the jury room, or declining to reinstruct the jury after it had reached a verdict.

KEY QUOTATIONS

“A defendant seeking postconviction reversal for irregularities in grand jury proceedings must establish that the complained-of errors were structural or resulted in actual prejudice relating to his conviction.” (at 592)

“We accordingly conclude the trial court adequately instructed the jury on first degree felony murder.” (at 598)

“We conclude the trial court did not err when it excluded the portion of Dr. Kaser-Boyd's testimony concerning the effect defendant's execution would have on his children.” (at 603)

FACTUAL BACKGROUND

Bennett assaulted Pamela B. in her apartment, using a knife, robbing her, and forcibly orally copulating and raping her. The same day, he installed flooring at Marie Powell Evans's townhouse; Evans was later found dead there from blunt-force trauma, with evidence of sexual assault and burglary. DNA evidence linked Bennett to both crime scenes, and the jury convicted him of murder and the related offenses. At the penalty phase, the defense presented evidence of Bennett's troubled background, substance abuse, family relationships, remorse, and desire to plead guilty.

PROCEDURAL HISTORY

A jury convicted Bennett of first degree murder and related offenses, found the charged special circumstances and weapon-use allegation true, and returned a death verdict. The trial court imposed death for the murder and stayed a determinate sentence on the remaining offenses. Bennett appealed automatically to the Supreme Court of California, which rejected his guilt-phase, penalty-phase, juror-misconduct, and other appellate claims and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Dustin v. Superior Court, 99 Cal. App. 4th 1311, 1321-1323 (2002)

- People v. Howard, 1 Cal. 4th 1132, 1165-1166 (1992)
- People v. Alvarez, 14 Cal. 4th 155, 196 n.8 (1996)
- People v. Young, 34 Cal. 4th 1149, 1170 (2005)
- People v. Jablonski, 37 Cal. 4th 774, 800 (2006)
- Darden v. Wainwright, 477 U.S. 168, 181 (1986)
- People v. Crew, 31 Cal. 4th 822, 839 (2003)
- People v. Espinoza, 3 Cal. 4th 806, 820 (1992)
- People v. Earp, 20 Cal. 4th 826, 858 (1999)
- People v. Zamudio, 43 Cal. 4th 327, 351-356 (2008)
- Griffin v. California, 380 U.S. 609, 615 (1965)
- People v. Pollock, 32 Cal. 4th 1153, 1175-1176 (2004)
- People v. Catlin, 26 Cal. 4th 81, 114-115 (2001)
- Lockhart v. McCree, 476 U.S. 162, 180 (1986)
- People v. Ochoa, 19 Cal. 4th 353, 454-456 (1998)
- Payne v. Tennessee, 501 U.S. 808, 822 (1991)
- People v. Beeler, 9 Cal. 4th 953, 975 (1995)
- People v. Cleveland, 25 Cal. 4th 466, 475, 478 (2001)