

SUPREME COURT OF NORTH CAROLINA

State v. Lane, 365 N.C. 7

707 S.E.2d 210 (2011) · No. No. 606A05 · Decided March 11, 2011

SUMMARY

The Supreme Court of North Carolina reviewed Eric Glenn Lane’s convictions and death sentence for the murder of a five-year-old child and related sexual and kidnapping offenses. The opinion addresses, among other issues, Lane’s competency to waive counsel and represent himself under Faretta, Godinez, and Indiana v. Edwards, as well as the sufficiency of the proceedings supporting his convictions and sentence.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Hudson, Justice
JURISDICTION	North Carolina
DECIDED	March 11, 2011
DOCKET	No. 606A05
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right from convictions for first-degree murder and related offenses and a death sentence. The Supreme Court of North Carolina previously remanded for a hearing concerning Indiana v. Edwards and then considered the appeal after the remand hearing.
STANDARD OF REVIEW	The court reviewed the trial court's competency and waiver determination for legal sufficiency based on the findings; evidentiary relevancy rulings under a deferential standard; discovery sanctions for abuse of discretion; the submission of the statutory mitigating circumstance through whole-record review with deference to the trial court's threshold determination; and the death sentence under the statutory proportionality-review standard.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Eric Glenn Lane v. State of North Carolina

TOPICS

right to counsel

criminal procedure

evidence

sentencing

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

capital punishment

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court properly permitted defendant to waive appointed counsel and proceed pro se after determining that his waiver was knowing and voluntary.
2. Whether the trial court properly excluded proposed expert testimony concerning defendant's alcohol use and possible withdrawal because the testimony was not relevant or helpful to the jury.
3. Whether the exclusion of the defense expert was an appropriate discovery sanction under North Carolina General Statutes section 15A-910.
4. Whether the trial court erred by failing to submit the statutory mitigating circumstance that defendant had no significant history of prior criminal activity.
5. Whether the court should reconsider prior holdings concerning unanimity on the death-penalty weighing issue, the alleged duty to impose death, and the definition of mitigating circumstances.
6. Whether the death sentence was supported by the aggravating circumstances and was excessive or disproportionate.

HOLDINGS

1. The trial court properly allowed defendant to discharge appointed counsel and proceed pro se because, after finding him competent to stand trial, it adequately determined that he knowingly and voluntarily waived his right to counsel and understood the charges, proceedings, punishments, and consequences of self-representation.
2. The trial court properly excluded Dr. Wilson's proposed testimony during the guilt-innocence phase because he could not offer an opinion about defendant's mental condition at the time of the confession, the truth or falsity of the confession, or any connection between alcohol withdrawal and its reliability.
3. The trial court did not abuse its discretion by excluding Dr. Wilson's testimony as a discovery sanction because the defense failed to provide a complete expert report despite repeated orders and warnings, and the court properly considered the materiality of the testimony and totality of the circumstances.
4. The trial court properly declined to submit the statutory mitigating circumstance under N.C.G.S. section 15A-2000(f)(1) because the evidence of defendant's prior violent criminal activity supported the threshold determination that no rational jury could find his criminal history insignificant.
5. The court declined to revisit its prior holdings rejecting challenges to the unanimity instruction, the instruction that the jury had a duty to impose death after answering the relevant weighing issue affirmatively, and the definition of mitigating circumstances. The death sentence was supported by the aggravating circumstances and was neither excessive nor disproportionate.

KEY QUOTATIONS

“If that defendant, after being found competent, seeks to represent himself, the trial court has two choices: (1) it may grant the motion to proceed pro se, allowing the defendant to exercise his constitutional right to self-representation, if and only if the trial court is satisfied that he has knowingly and voluntarily waived his corresponding right to assistance of counsel, pursuant to Moran; or (2) it may deny the motion, thereby denying the defendant's constitutional right to self-representation because the defendant falls into the "gray area" and is therefore subject to the "competency limitation" described in Edwards” (at 219-220)

“We conclude that the trial court's inquiry was sufficient to support its determination that defendant knowingly and voluntarily waived his right to assistance of counsel and chose instead to exercise his constitutional right to self-representation.” (at 222)

“In sum, Dr. Wilson's testimony would not "assist the trier of fact to understand the evidence or to determine a fact in issue," N.C.G.S. § 8C-1, Rule 702, and would instead have likely suggested that defendant was definitively experiencing particular withdrawal symptoms.” (at 225)

“We conclude that this case is not substantially similar to any of these cases.” (at 230)

FACTUAL BACKGROUND

Five-year-old Precious Whitfield disappeared after playing near defendant's home and was found two days later in a creek, alive when placed in a trash bag and bound with duct tape. Evidence connected defendant to the victim's bicycle, a red scooter, duct tape, blue tarp fibers, and the disposal site. Defendant ultimately confessed to sexually assaulting Precious, wrapping her body, transporting it on his scooter, and leaving it under a bridge. Defendant had mental-health conditions, functional illiteracy, and alcohol-dependence issues, but the trial court found him competent to stand trial and competent to waive counsel and proceed pro se.

PROCEDURAL HISTORY

A jury convicted Lane of first-degree murder, first-degree statutory rape, first-degree statutory sex offense, indecent liberties, and first-degree kidnapping. The jury recommended death, and the trial court imposed a death sentence plus additional terms of imprisonment. The Supreme Court allowed Lane to bypass the Court of Appeals as to the noncapital convictions, remanded for an Edwards competency hearing, and then reviewed the remand findings and remaining appellate claims.

DISPOSITION

affirmed

CASES CITED

- State v. Lane, 362 N.C. 667, 669 S.E.2d 321 (2008) (per curiam)
- Indiana v. Edwards, 554 U.S. 164, 128 S. Ct. 2379, 171 L. Ed. 2d 345 (2008)
- Faretta v. California, 422 U.S. 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975)
- Godinez v. Moran, 509 U.S. 389, 113 S. Ct. 2680, 125 L. Ed. 2d 321 (1993)
- Dusky v. United States, 362 U.S. 402, 80 S. Ct. 788, 4 L. Ed. 2d 824 (1960) (per curiam)

- State v. LeGrande, 346 N.C. 718, 487 S.E.2d 727 (1997)
- State v. Ali, 329 N.C. 394, 407 S.E.2d 183 (1991)
- State v. Lawrence, 352 N.C. 1, 530 S.E.2d 807 (2000)
- State v. Burgess, 345 N.C. 372, 480 S.E.2d 638 (1997)
- State v. Wilkerson, 295 N.C. 559, 247 S.E.2d 905 (1978)
- State v. Clark, 324 N.C. 146, 377 S.E.2d 54 (1989)
- State v. Weeks, 322 N.C. 152, 367 S.E.2d 895 (1988)
- State v. Thomas, 291 N.C. 687, 231 S.E.2d 585 (1977)
- State v. Hurst, 360 N.C. 181, 624 S.E.2d 309 (2006)
- State v. Barden, 356 N.C. 316, 572 S.E.2d 108 (2002)
- State v. Walls, 342 N.C. 1, 463 S.E.2d 738 (1995)
- State v. McCarver, 341 N.C. 364, 462 S.E.2d 25 (1995)
- State v. Skipper, 337 N.C. 1, 446 S.E.2d 252 (1994)
- State v. Robinson, 336 N.C. 78, 443 S.E.2d 306 (1994)
- State v. Garcia, 358 N.C. 382, 597 S.E.2d 724 (2004)
- State v. Morgan, 359 N.C. 131, 604 S.E.2d 886 (2004)
- State v. Zuniga, 320 N.C. 233, 357 S.E.2d 898 (1987)
- State v. Taylor, 362 N.C. 514, 669 S.E.2d 239 (2008)
- State v. Al-Bayyinah, 359 N.C. 741, 616 S.E.2d 500 (2005)
- State v. McNeill, 360 N.C. 231, 624 S.E.2d 329 (2006)
- State v. Rogers, 316 N.C. 203, 341 S.E.2d 713 (1986)