

SUPREME COURT OF CALIFORNIA

People v. Taylor

26 Cal. 4th 1155, 113 Cal. Rptr. 2d 827, 34 P.3d 937 (2001) · No. S025121 · Decided December 3, 2001

SUMMARY

The California Supreme Court reviewed Robert Clarence Taylor's automatic appeal from a death judgment following convictions for first degree murder, attempted murder, burglary, and robbery. The court addressed claims involving prosecutorial misconduct, crime-scene photographs and videotape, jury composition, victim-impact evidence, penalty-phase evidence, and severance, and affirmed the judgment in its entirety.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Chin, J.; George, C.J.; Kennard, J.; Baxter, J.; Werdegar, J.; Brown, J.; Mallano, J., assigned
JURISDICTION	California
DECIDED	December 3, 2001
DOCKET	S025121
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from a judgment of the Orange County Superior Court imposing the death penalty after defendant's convictions for first degree murder with special circumstances, attempted murder, burglary, and two robberies, with personal firearm-use findings.
STANDARD OF REVIEW	The court applied abuse-of-discretion review to discretionary trial-court rulings, including admission of photographs and videotape, denial of a new penalty-phase jury, and denial of severance or separate penalty juries. It independently reviewed the record where appropriate in the capital case, including the asserted proportionality of the death penalty, but found no reversible error.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; binding state precedent.
PARTIES	Robert Clarence Taylor v. The People

TOPICS

sentencing

criminal procedure

evidence

prosecutorial misconduct

appellate procedure

PRACTICE AREAS

capital criminal law

criminal procedure

criminal evidence

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the prosecutor committed prejudicial misconduct during the guilt phase by posing a rape-victim hypothetical and by referring to defense counsel's alleged tricks or moves.
2. Whether the trial court abused its discretion by admitting crime-scene photographs and a videotape, and whether it adequately performed the Evidence Code section 352 balancing.
3. Whether the trial court improperly denied a motion for a new penalty-phase jury.
4. Whether victim-impact evidence was improperly admitted during the guilt or penalty phases.
5. Whether the trial court improperly admitted testimony concerning Taylor's earlier plan to commit a Corvette-related robbery and murder.
6. Whether Taylor was entitled to separate penalty trials or separate juries from codefendant DeWitt.
7. Whether the trial court improperly denied Taylor's motion to modify the death verdict.
8. Whether the penalty-phase instructions and procedures violated constitutional or statutory requirements concerning sympathy, delay, execution method, proportionality, burdens of proof, unanimity, mitigating evidence, aggravating factors, notice, written findings, and life-without-parole instructions.
9. Whether the cumulative effect of alleged errors required reversal.

HOLDINGS

1. The prosecutor's rape-victim hypothetical was responsive to defense questioning and did not cause prejudice, and the references to defense counsel's tricks or moves did not constitute an improper personal attack or prejudicial misconduct.
2. The trial court did not abuse its discretion by admitting the crime-scene photographs and videotape because they were relevant and their prejudicial effect did not clearly outweigh their probative value.
3. A new penalty-phase jury was not required because Taylor failed to show good cause as a demonstrable reality or that the existing jury was unable to perform its function; the trial court did not abuse its discretion.
4. The guilt-phase evidence concerning Kazumi's injuries and the penalty-phase evidence concerning the effects of Ryoko's death and Kazumi's injuries were admissible and did not render the trial fundamentally unfair.
5. Taylor was not entitled to severance or a separate penalty jury because he showed neither identifiable prejudice nor gross unfairness, and the instructions adequately required individualized consideration of each defendant's penalty.

6. The challenged penalty-phase instructions did not improperly omit burdens of proof, unanimity requirements, a presumption of life, mitigation principles, written findings, or instructions concerning life without parole, and the challenged sentencing procedures did not violate the state or federal Constitutions.
7. Because the court found no individual guilt-phase or penalty-phase error, there was no cumulative prejudice requiring reversal.

KEY QUOTATIONS

“good cause to impanel a new jury must appear on the record as a demonstrable reality and show the jury's inability to perform its function.” (113 Cal. Rptr. 2d at 837)

“In the absence of a showing that the jurors in this joint trial were unable or unwilling to assess independently the respective culpability of each codefendant, we can find no abuse of discretion in failing to sever the trial or order separate penalty phase juries.” (113 Cal. Rptr. 2d at 840)

FACTUAL BACKGROUND

Taylor and codefendants Nanette Scheid and James Norman DeWitt arranged to view the Hanano family's Corvette, then robbed the victims in their home. Taylor and DeWitt handcuffed Ryoko and Kazumi Hanano, searched for valuables, covered their heads with a mattress, and shot both victims; Ryoko died and Kazumi became quadriplegic. Taylor was later arrested after being seen driving the stolen Corvette. At the penalty phase, the prosecution presented prior felony convictions, unadjudicated criminal-activity evidence, and victim-impact evidence, while Taylor presented mitigating testimony concerning his upbringing, heritage, drug use, and claimed panic during the shootings.

PROCEDURAL HISTORY

Taylor was convicted and sentenced to death in Orange County Superior Court. He appealed automatically under California Penal Code section 1239, subdivision (b), challenging guilt-phase evidentiary and prosecutorial rulings, penalty-phase procedures and evidence, jury instructions, proportionality, and constitutional issues. The California Supreme Court rejected each contention and affirmed the judgment in its entirety.

DISPOSITION

affirmed

CASES CITED

- People v. Scheid, 16 Cal. 4th 1, 65 Cal. Rptr. 2d 348, 939 P.2d 748 (1997)
- People v. Welch, 20 Cal. 4th 701, 85 Cal. Rptr. 2d 203, 976 P.2d 754 (1999)
- United States v. Boldt, 929 F.2d 35, 40-41 (1st Cir. 1991)
- People v. Medina, 11 Cal. 4th 694, 759, 781-782, 47 Cal. Rptr. 2d 165, 906 P.2d 2 (1995)
- People v. Hill, 17 Cal. 4th 800, 72 Cal. Rptr. 2d 656, 952 P.2d 673 (1998)
- People v. Box, 23 Cal. 4th 1153, 99 Cal. Rptr. 2d 69, 5 P.3d 130 (2000)

- People v. Turner, 37 Cal. 3d 302, 320-321, 208 Cal. Rptr. 196, 690 P.2d 669 (1984)
- People v. Farmer, 47 Cal. 3d 888, 906, 254 Cal. Rptr. 508, 765 P.2d 940 (1989)
- People v. Riel, 22 Cal. 4th 1153, 96 Cal. Rptr. 2d 1, 998 P.2d 969 (2000)
- People v. Carpenter, 21 Cal. 4th 1016, 90 Cal. Rptr. 2d 607, 988 P.2d 531 (1999)
- People v. Bradford, 15 Cal. 4th 1229, 1354, 65 Cal. Rptr. 2d 145, 939 P.2d 259 (1997)
- People v. Bemore, 22 Cal. 4th 809, 858, 94 Cal. Rptr. 2d 840, 996 P.2d 1152 (2000)
- People v. Rowland, 4 Cal. 4th 238, 267-269, 14 Cal. Rptr. 2d 377, 841 P.2d 897 (1992)
- Payne v. Tennessee, 501 U.S. 808, 111 S. Ct. 2597, 115 L. Ed. 2d 720 (1991)
- People v. Edwards, 54 Cal. 3d 787, 832-836, 1 Cal. Rptr. 2d 696, 819 P.2d 436 (1991)
- People v. Sanders, 11 Cal. 4th 475, 549-550, 564, 46 Cal. Rptr. 2d 751, 905 P.2d 420 (1995)
- People v. Love, 53 Cal. 2d 843, 854-857, 3 Cal. Rptr. 665, 350 P.2d 705 (1960)
- People v. Thomas, 20 Cal. 3d 457, 466, 143 Cal. Rptr. 215, 573 P.2d 433 (1978)
- People v. Cummings, 4 Cal. 4th 1233, 1287, 18 Cal. Rptr. 2d 796, 850 P.2d 1 (1993)
- Lockhart v. McCree, 476 U.S. 162, 180, 106 S. Ct. 1758, 90 L. Ed. 2d 137 (1986)
- People v. Ervin, 22 Cal. 4th 48, 69, 95-96, 91 Cal. Rptr. 2d 623, 990 P.2d 506 (2000)
- People v. Kirkpatrick, 7 Cal. 4th 988, 1023, 30 Cal. Rptr. 2d 818, 874 P.2d 248 (1994)
- People v. Champion, 9 Cal. 4th 879, 943, 951, 39 Cal. Rptr. 2d 547, 891 P.2d 93 (1995)
- People v. Memro, 11 Cal. 4th 786, 886-887, 47 Cal. Rptr. 2d 219, 905 P.2d 1305 (1995)
- People v. Frye, 18 Cal. 4th 894, 1024-1026, 1027, 1029-1031, 77 Cal. Rptr. 2d 25, 959 P.2d 183 (1998)
- People v. Massie, 19 Cal. 4th 550, 574, 79 Cal. Rptr. 2d 816, 967 P.2d 29 (1998)
- People v. Samayoa, 15 Cal. 4th 795, 864, 64 Cal. Rptr. 2d 400, 938 P.2d 2 (1997)
- People v. Holt, 15 Cal. 4th 619, 682-684, 699, 702, 63 Cal. Rptr. 2d 782, 937 P.2d 213 (1997)
- People v. Berryman, 6 Cal. 4th 1048, 1110, 25 Cal. Rptr. 2d 867, 864 P.2d 40 (1993)
- People v. Dillon, 34 Cal. 3d 441, 479, 194 Cal. Rptr. 390, 668 P.2d 697 (1983)
- People v. Hines, 15 Cal. 4th 997, 1077-1078, 1081, 64 Cal. Rptr. 2d 594, 938 P.2d 388 (1997)
- People v. Belmontes, 45 Cal. 3d 744, 811, 248 Cal. Rptr. 126, 755 P.2d 310 (1988)
- People v. Ochoa, 19 Cal. 4th 353, 479, 79 Cal. Rptr. 2d 408, 966 P.2d 442 (1998)
- People v. Bacigalupo, 1 Cal. 4th 103, 147, 2 Cal. Rptr. 2d 335, 820 P.2d 559 (1991)
- People v. Arias, 13 Cal. 4th 92, 170-173, 190, 51 Cal. Rptr. 2d 770, 913 P.2d 980 (1996)
- People v. Carpenter, 15 Cal. 4th 312, 420-421, 63 Cal. Rptr. 2d 1, 935 P.2d 708 (1997)
- People v. Marshall, 50 Cal. 3d 907, 936-937, 945-946, 269 Cal. Rptr. 269, 790 P.2d 676 (1990)
- People v. Nicolaus, 54 Cal. 3d 551, 588, 286 Cal. Rptr. 628, 817 P.2d 893 (1991)
- People v. McLain, 46 Cal. 3d 97, 118, 249 Cal. Rptr. 630, 757 P.2d 569 (1988)
- People v. Jackson, 13 Cal. 4th 1164, 1243, 56 Cal. Rptr. 2d 49, 920 P.2d 1254 (1996)
- People v. Duncan, 53 Cal. 3d 955, 978, 281 Cal. Rptr. 273, 810 P.2d 131 (1991)
- People v. McPeters, 2 Cal. 4th 1148, 1194, 9 Cal. Rptr. 2d 834, 832 P.2d 146 (1992)
- People v. Earp, 20 Cal. 4th 826, 899, 85 Cal. Rptr. 2d 857, 978 P.2d 15 (1999)

- People v. Hart, 20 Cal. 4th 546, 638-639, 85 Cal. Rptr. 2d 132, 976 P.2d 683 (1999)
- People v. Clark, 5 Cal. 4th 950, 1033, 22 Cal. Rptr. 2d 689, 857 P.2d 1099 (1993)
- People v. Carrera, 49 Cal. 3d 291, 334, 261 Cal. Rptr. 348, 777 P.2d 121 (1989)
- People v. Cooper, 53 Cal. 3d 771, 842, 281 Cal. Rptr. 90, 809 P.2d 865 (1991)
- People v. Diaz, 3 Cal. 4th 495, 571, 11 Cal. Rptr. 2d 353, 834 P.2d 1171 (1992)
- People v. Frierson, 25 Cal. 3d 142, 179, 158 Cal. Rptr. 281, 599 P.2d 587 (1979)
- People v. Musselwhite, 17 Cal. 4th 1216, 1271, 74 Cal. Rptr. 2d 212, 954 P.2d 475 (1998)
- People v. Gordon, 50 Cal. 3d 1223, 1266-1267, 270 Cal. Rptr. 451, 792 P.2d 251 (1990)
- People v. Johnson, 47 Cal. 3d 1194, 1241, 255 Cal. Rptr. 569, 767 P.2d 1047 (1989)
- People v. Thornton, 11 Cal. 3d 738, 753, 114 Cal. Rptr. 467, 523 P.2d 267 (1974)