

SUPREME COURT OF KENTUCKY

William Smith v. Commonwealth of Kentucky

454 S.W.3d 283 (Ky. 2015) · No. 2014-SC-000073-MR · Decided February 18, 2015

SUMMARY

The Kentucky Supreme Court affirmed William Smith's convictions and 24-year sentence arising from a gang-related shooting at Shawnee Park. The court held that gang-expert testimony was properly admitted and rejected Smith's challenges concerning post-conviction supervision, truth-in-sentencing information, and judicial sentence modification.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Cunningham; Chief Justice Minton; Justice Abramson; Justice Keller; Justice Noble; Justice Venters
JURISDICTION	Kentucky
DECIDED	February 18, 2015
DOCKET	2014-SC-000073-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Smith appealed as a matter of right from his Jefferson Circuit Court convictions and sentence, challenging the admission of gang-expert testimony and alleged sentencing-instruction errors.
STANDARD OF REVIEW	Abuse of discretion for the trial court's qualification of an expert and rulings on relevance and undue prejudice; palpable-error review was requested for the sentencing issues, but review was barred where the alleged instructional errors were not preserved.
PRECEDENTIAL VALUE	published and precedential
PARTIES	William B. Smith III v. Commonwealth of Kentucky

TOPICS

- expert testimony
- daubert standard
- relevance
- sentencing
- preservation of error

PRACTICE AREAS

- criminal law
- evidence
- criminal sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting Detective Gary Huffman's expert testimony concerning gangs and gang-related activity.
2. Whether the gang evidence was relevant under KRE 401 and 402 and whether its probative value was substantially outweighed by undue prejudice under KRE 403.
3. Whether the Commonwealth was required to present evidence or an instruction concerning the one-year term of post-conviction supervision under KRS 532.400.
4. Whether the jury should have been advised that the trial judge could not modify its sentence for murder in a non-aggravated capital case.
5. Whether any alleged sentencing-instruction errors warranted appellate relief despite Smith's failure to preserve them.

HOLDINGS

1. The trial court did not abuse its discretion in qualifying Detective Huffman as an expert on gangs and gang-related activity and admitting his testimony.
2. The gang testimony was relevant and its probative value was not substantially outweighed by the danger of undue prejudice under KRE 403.
3. The Commonwealth was not required under KRS 532.055(2)(a) to introduce evidence that KRS 532.400 imposes a one-year term of post-conviction supervision, and any claim that the jury should have been instructed on that subject was unpreserved.
4. A non-aggravated capital offense is governed in part by KRS 532.060 and is subject to sentence modification by the trial court under KRS 532.070; therefore, an instruction that the murder sentence could not be modified would have been incorrect.

KEY QUOTATIONS

“The evidence of gang activity was relevant to explain the context of and motive for Olavarria's murder [and was] highly probative of motive and intent.” (454 S.W.3d at 287)

“An instruction that the sentence could not be modified by the judge would have been incorrect.” (454 S.W.3d at 291)

FACTUAL BACKGROUND

On August 14, 2011, William Smith and Quentin Wilson participated in a shooting into a crowd at Louisville's Shawnee Park; Antonio Lamont Anderson was killed and two others were seriously injured. Police later recovered four handguns along the path taken by the fleeing participants, and ballistics evidence linked several recovered projectiles and casings to the weapons. At trial, a Louisville Metro detective testified about local gang affiliations, gang terminology, and a possible retaliatory motive involving rival gangs.

PROCEDURAL HISTORY

Smith and Quentin L. Wilson were jointly tried in Jefferson Circuit Court after being indicted in connection with a fatal shooting at Shawnee Park. A jury convicted Smith of complicity to murder, two counts of attempted murder, two counts of first-degree wanton endangerment, and tampering with physical evidence, and recommended an aggregate twenty-four-year sentence. The trial court entered judgment consistent with the recommendation, and Smith appealed to the Kentucky Supreme Court.

DISPOSITION

affirmed

CASES CITED

- Brown v. Commonwealth, 416 S.W.3d 302, 309 (Ky. 2013)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- State v. Torrez, 210 P.3d 228, 234-36 (N.M. 2009)
- People v. Bynum, 852 N.W.2d 570, 630 (Mich. 2014)
- United States v. Hankey, 203 F.3d 1160, 1168-70 (9th Cir. 2000)
- Harris v. Commonwealth, 134 S.W.3d 603, 607 (Ky. 2004)
- Love v. Commonwealth, 55 S.W.3d 816, 822 (Ky. 2001)
- Rackley v. Commonwealth, 674 S.W.2d 512, 514 (Ky. 1984)
- Bedell v. Commonwealth, 870 S.W.2d 779 (Ky. 1993)
- Hudson v. Commonwealth, 385 S.W.3d 411, 413-20 (Ky. 2012)
- State v. Torres, 874 A.2d 1084, 1093-95 (N.J. 2005)
- Mayse v. Commonwealth, 422 S.W.3d 223, 228 (Ky. 2013)
- Martin v. Commonwealth, 409 S.W.3d 340, 346-47 (Ky. 2013)
- Dunlap v. Commonwealth, 435 S.W.3d 537, 566 (Ky. 2013)