

SUPREME COURT OF FLORIDA

Barnes v. State

970 So. 2d 332 (Fla. 2007) · No. SC06-662 · Decided November 29, 2007

SUMMARY

The Supreme Court of Florida held that a written transcript of a defendant’s prior trial testimony, after being read to the jury, should not be admitted as an exhibit or provided to the jury during deliberations. The court concluded that doing so was an abuse of discretion because the transcript was testimonial in nature and could improperly emphasize the prior testimony and implicate the defendant’s right to remain silent. The court further held that the State failed to establish harmless error and quashed the First District’s decision, remanding for a new trial.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Lewis, C.J.; Wells, J.; Anstead, J.; Pariente, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	November 29, 2007
DOCKET	SC06-662
DISPOSITION	quashed
PROCEDURAL POSTURE	Discretionary review of a First District Court of Appeal decision affirming Barnes's second-degree murder conviction and firearm sentence after a retrial.
STANDARD OF REVIEW	Evidentiary admissibility rulings are reviewed for abuse of discretion; preserved trial error is assessed under the harmless-error standard, with the State bearing the burden to prove beyond a reasonable doubt that the error did not affect the verdict.
PRECEDENTIAL VALUE	binding
PARTIES	Shana Barnes v. State of Florida

TOPICS

- evidence
- criminal procedure
- fifth amendment
- harmless error
- appellate procedure

PRACTICE AREAS

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether a written transcript of a defendant's prior-trial testimony, after being read to the jury as testimonial evidence, may be admitted as an exhibit and provided to the jury during deliberations under Florida Rule of Criminal Procedure 3.400(a)(4).
2. Whether the erroneous admission and jury-room use of the transcript constituted harmless error.

HOLDINGS

1. When a defendant's prior-trial testimony has been read to the jury as testimonial evidence, the written transcript is not a "thing" that should be admitted into evidence as an exhibit or provided to the jury during deliberations under Florida Rule of Criminal Procedure 3.400(a)(4).
2. The State failed to establish beyond a reasonable doubt that the erroneous admission and jury-room use of the transcript did not contribute to Barnes's guilty verdict; therefore, the error was harmful and required a new trial.

KEY QUOTATIONS

"Therefore, we hold that a transcript of the prior trial testimony of a defendant, even more so than that of a witness, is not a "thing" to be admitted into evidence as an exhibit for jurors to examine during deliberations after the testimony has been read during the trial proceedings as testimonial evidence." (at 339)

"Therefore, we conclude that the State has not sustained its burden to demonstrate that the trial-court error in this case was harmless." (at 341)

FACTUAL BACKGROUND

Barnes was charged with second-degree murder after shooting her husband and was convicted at an initial trial. After the first conviction was reversed for erroneous self-defense instructions, the State introduced Barnes's prior-trial testimony at the retrial and sought to admit the written transcript as an exhibit for jury-room use. The transcript contained testimony that conflicted with Barnes's written statement to police regarding the location of the gun, and the State emphasized that inconsistency during closing argument.

PROCEDURAL HISTORY

Barnes was convicted of second-degree murder after shooting her husband, but the First District reversed and remanded for a new trial because of erroneous self-defense instructions. On retrial, the trial court admitted the transcript of Barnes's prior-trial testimony as an exhibit and allowed the jury to take it into the jury room during deliberations; the First District affirmed. The Supreme Court of Florida accepted conflict jurisdiction, quashed the First District's decision, and remanded for a new trial.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The First District Court of Appeal's decision was quashed, and the case was remanded for a new trial.

CASES CITED

- Barnes v. State, 922 So. 2d 380 (Fla. 1st DCA 2006)
- Young v. State, 645 So. 2d 965 (Fla. 1994)
- Janson v. State, 730 So. 2d 734 (Fla. 5th DCA 1999), review denied, 767 So. 2d 457 (Fla. 2000)
- Barnes v. State, 868 So. 2d 606 (Fla. 1st DCA 2004)
- Barnes v. State, 948 So. 2d 758 (Fla. 2007) (table)
- State v. Billie, 881 So. 2d 637, 639 (Fla. 3d DCA 2004)
- Harrison v. United States, 392 U.S. 219, 222 (1968)
- Alston v. State, 723 So. 2d 148 (Fla. 1998)
- People v. Caldwell, 39 Ill. 2d 346, 236 N.E.2d 706, 714 (1968)
- Fuller v. United States, 873 A.2d 1108, 1115-18 (D.C. 2005)
- State v. Solomon, 96 Utah 500, 87 P.2d 807, 811 (1939)
- State v. DiGuilio, 491 So. 2d 1129, 1139 (Fla. 1986)
- Pearson v. State, 278 Ga. 490, 604 S.E.2d 180, 183 (2004)
- Wright v. Premier Elkhorn Coal Co., 16 S.W.3d 570, 572 (Ky. Ct. App. 1999)
- State v. Brooks, 675 S.W.2d 53, 57 (Mo. Ct. App. 1984)