

SUPREME COURT OF THE STATE OF HAWAI‘I

State v. Gouveia

139 Haw. 70 (2016) · No. SCWC-14-0000358 · Decided October 25, 2016

SUMMARY

The Hawai‘i Supreme Court reviewed the trial court’s declaration of a mistrial after jurors expressed safety concerns about conduct by a courtroom observer during deliberations. The court held that the conduct created a rebuttable presumption of prejudice, that the presumption was not overcome beyond a reasonable doubt, and that no reasonable alternative to a mistrial was available. The court affirmed the Intermediate Court of Appeals’ judgment and rejected the argument that the trial court improperly relied on juror testimony under Hawai‘i Rules of Evidence Rule 606(b).

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Mark E. Recktenwald, C.J.; Sabrina S. McKenna, J.; Richard W. Pollack, J.; Michael D. Wilson, J.
JURISDICTION	Hawaii
DECIDED	October 25, 2016
DOCKET	SCWC-14-0000358
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gouveia petitioned the Supreme Court of Hawai‘i for certiorari after the Intermediate Court of Appeals affirmed the circuit court’s denial of his motion to dismiss on double-jeopardy grounds following a mistrial.
STANDARD OF REVIEW	A declaration of mistrial and determination of manifest necessity are reviewed for abuse of discretion. Whether reprosecution is barred by double jeopardy is a constitutional question reviewed de novo under the right/wrong standard.
PRECEDENTIAL VALUE	Published and precedential decision of the Supreme Court of the State of Hawai‘i.
PARTIES	Royce C. Gouveia v. State of Hawai‘i

TOPICS

double jeopardy

criminal procedure

jury selection

evidence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by declaring a mistrial based on manifest necessity arising from an outside incident that generated juror safety concerns and may have affected deliberations.
2. Whether retrial was barred by the federal or state constitutional protections against double jeopardy after the mistrial.
3. Whether the circuit court improperly relied on juror testimony concerning the effect of the incident on the verdict under Hawai‘i Rules of Evidence Rule 606(b).

HOLDINGS

1. The circuit court did not improperly rely on juror testimony in determining that manifest necessity existed because the relevant basis for its decision consisted of permissible evidence concerning what occurred, the jurors' reactions, and when and how the incident was discussed; the court's consideration of jurors' statements about the effect of the incident on the verdict was improper, but those statements were not the basis of the ruling.
2. The circuit court did not abuse its discretion in finding manifest necessity for a mistrial because the outside incident created a rebuttable presumption of prejudice that was not overcome beyond a reasonable doubt, and no reasonable alternative to a mistrial would have cured the potential prejudice.
3. Retrial was not barred by double jeopardy because the mistrial was supported by manifest necessity.

KEY QUOTATIONS

“We conclude that the circuit court did not abuse its discretion in deciding that manifest necessity existed for a mistrial because the presumption of prejudice could not be overcome beyond a reasonable doubt and no reasonable alternatives to a mistrial were available.” (at 78)

“Based on the facts of this case, the circuit court’s determination that nothing short of a mistrial would have cured the potentially impartial jury was not an abuse of discretion.” (at 81)

FACTUAL BACKGROUND

During deliberations in Gouveia's manslaughter trial, the jury sent one communication stating that it had reached a verdict and another stating that jurors were concerned for their safety because a man on the prosecutor's side of the courtroom had glared and whistled at Gouveia. Several jurors said the incident was discussed in the jury room before the verdict, and some reported fear, intimidation, or concern about retaliation. Although each juror stated that the incident did not affect the juror's own decision, one indicated that it appeared to affect other jurors' decisions.

PROCEDURAL HISTORY

Gouveia was tried for manslaughter in the Circuit Court of the First Circuit. After the jury reported that it had reached a verdict and separately expressed safety concerns about an individual's courtroom conduct, the circuit court questioned the jurors, declared a mistrial for manifest necessity, and denied Gouveia's motion to dismiss. The ICA affirmed in a memorandum opinion, and the Hawai'i Supreme Court affirmed the ICA's judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Wilmer, 97 Hawai'i 238, 35 P.3d 755 (2001)
- State v. Rogan, 91 Hawai'i 405, 984 P.2d 1231 (1999)
- State v. Bailey, 126 Hawai'i 383, 217 P.3d 1142 (2012)
- State v. Kim, 103 Hawai'i 285, 81 P.3d 1200 (2003)
- State v. Quitog, 85 Hawai'i 128, 938 P.2d 559 (1997)
- Arizona v. Washington, 434 U.S. 497 (1978)
- State v. Deguair, 136 Hawai'i 71, 358 P.3d 43 (2015)
- State v. Napulou, 85 Hawai'i 49, 936 P.2d 1297 (1997)
- State v. Minn, 79 Hawai'i 461, 903 P.2d 1282 (1995)
- State v. Chin, 135 Hawai'i 437, 353 P.3d 979 (2015)