

SUPREME COURT OF VIRGINIA

Michael Lee Townsend, Sr. v. Commonwealth of Virginia, 270 Va. 325

619 S.E.2d 71 (2005) · No. Record No. 042223 · Decided September 16, 2005

SUMMARY

The Supreme Court of Virginia affirmed the judgment of the Court of Appeals upholding Michael Lee Townsend's convictions for capital murder, first-degree murder, and firearm offenses. The court held that Townsend waived his argument that seating two prospective jurors would undermine public confidence in the judicial process because he did not raise that specific ground in the trial court. Applying Virginia Rule 5:25, the court declined to consider the public-confidence argument for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Agee, Justice; All the Justices
JURISDICTION	Virginia
DECIDED	September 16, 2005
DOCKET	Record No. 042223
DISPOSITION	affirmed
PROCEDURAL POSTURE	Townsend appealed his convictions and challenged the denial of his motions to strike two prospective jurors for cause. The Court of Appeals of Virginia affirmed the trial court's judgment, and the Supreme Court of Virginia affirmed the Court of Appeals.
STANDARD OF REVIEW	A trial court's ruling on a motion to strike a prospective juror for cause is reviewed for manifest error amounting to an abuse of discretion. The appellate court defers to the trial court because it observed and heard the venire members during voir dire.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Virginia
PARTIES	Michael Lee Townsend, Sr. v. Commonwealth of Virginia

TOPICS

- jury selection
- preservation of error
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Townsend's argument that seating prospective jurors with close associations to a victim's family or a sheriff's deputy would undermine public confidence in the integrity of the judicial process was preserved for appellate review when it was not presented to the trial court.
2. Whether the trial court committed manifest error or abused its discretion by denying Townsend's motions to strike Holt and King for cause.

HOLDINGS

1. A defendant's contention that seating a prospective juror would undermine public confidence in the integrity of the judicial process must be raised in the trial court with sufficient specificity; if not, the claim is waived under Rule 5:25 and cannot be raised for the first time on appeal.
2. The trial court did not commit manifest error or abuse its discretion in denying Townsend's motions to strike Holt and King for cause because the record supported the trial court's findings that neither juror demonstrated disqualifying bias and each could fairly perform the duties of a juror.

KEY QUOTATIONS

“Public confidence in the integrity of the judicial system, as a ground for excluding a juror for cause, must be raised in the trial court or that issue is waived.” (270 Va. at 76)

“The trial court must be apprised of the basis upon which a public confidence objection to a juror is made and the other litigants given an opportunity to address the trial court on that matter.” (270 Va. at 76)

FACTUAL BACKGROUND

Prospective juror Melissa Holt had attended high school with a niece of murder victim Gary Goss, had regular social contact with the niece, and had occasional contact with Goss's brother. Prospective juror Sylvia King was married to a Sussex County deputy sheriff who worked in the jail where Townsend was incarcerated and had discussed Townsend as an inmate with her husband. Both jurors stated during voir dire that they had no preconceived opinion and could be fair and impartial. The trial court found that Holt stood indifferent in the cause and that King could be fair and impartial; Townsend used peremptory strikes to remove both.

PROCEDURAL HISTORY

Townsend was convicted in the Circuit Court of Sussex County of capital murder, first-degree murder, and two firearm offenses and received life imprisonment for the murders, along with firearm sentences and fines. He moved to strike prospective jurors Holt and King for actual bias or conflicts, but the trial court denied the motions; he used peremptory strikes to remove them. The Court of Appeals granted review regarding Holt, denied review regarding King, and affirmed. In the Supreme Court of Virginia, Townsend raised for the first time the contention that seating the jurors would undermine public confidence in the integrity of the judicial process.

DISPOSITION

affirmed

CASES CITED

- Breeden v. Commonwealth, 217 Va. 297, 300, 227 S.E.2d 734, 737 (1976)
- Barrett v. Commonwealth, 262 Va. 823, 826-27, 553 S.E.2d 731, 732 (2001)
- Cantrell v. Crews, 259 Va. 47, 49-50, 523 S.E.2d 502, 503-04 (2000)
- Green v. Commonwealth, 262 Va. 105, 115-16, 546 S.E.2d 446, 451 (2001)
- Spangler v. Ashwell, 116 Va. 992, 996-97, 83 S.E. 930, 931 (1914)
- Salina v. Commonwealth, 217 Va. 92, 93, 225 S.E.2d 199, 200 (1976)
- City of Virginia Beach v. Giant Square Shopping Ctr. Co., 255 Va. 467, 470-71, 498 S.E.2d 917, 918-19 (1998)
- Medici v. Commonwealth, 260 Va. 223, 226-27, 532 S.E.2d 28, 30-31 (2000)
- Patterson v. Commonwealth, 39 Va. App. 658, 669, 576 S.E.2d 222, 228 (2003)
- Brooks v. Commonwealth, 41 Va. App. 454, 462, 585 S.E.2d 852, 856 (2003)
- Blevins v. Commonwealth, 267 Va. 291, 293-94, 295-98, 590 S.E.2d 365, 366-69 (2004)
- Commonwealth v. Washington, 263 Va. 298, 309, 559 S.E.2d 636, 642 (2002)
- Riner v. Commonwealth, 268 Va. 296, 325, 601 S.E.2d 555, 572 (2004)
- Commonwealth v. Jerman, 263 Va. 88, 93-94, 556 S.E.2d 754, 757 (2002)
- Buck v. Commonwealth, 247 Va. 449, 452-53, 443 S.E.2d 414, 416 (1994)
- Batson v. Kentucky, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986)
- Fishback v. Commonwealth, 260 Va. 104, 532 S.E.2d 629 (2000)
- Perez v. Commonwealth, 40 Va. App. 648, 662, 580 S.E.2d 507, 514 (2003) (Agee, J., concurring)
- Stockton v. Commonwealth, 241 Va. 192, 200, 402 S.E.2d 196, 200 (1991)
- Mackall v. Commonwealth, 236 Va. 240, 251, 372 S.E.2d 759, 766 (1988)
- Melvin v. Commonwealth, 202 Va. 511, 512-13, 118 S.E.2d 679, 680 (1961)
- Waller v. Commonwealth, 178 Va. 294, 304-05, 16 S.E.2d 808, 812 (1941)