

SUPREME COURT OF MINNESOTA

State of Minnesota v. Meng Vang

774 N.W.2d 566 (Minn. 2009) · No. A08-588 · Decided October 29, 2009

SUMMARY

The Minnesota Supreme Court affirmed Meng Vang’s convictions for aiding and abetting first-degree murder and attempted first-degree murder, including gang-related offenses, arising from a shooting at a pool hall. The court upheld the admission of gang-expert testimony and evidence concerning witness fear, and concluded that any evidentiary, Confrontation Clause, hearsay, or improper legal-opinion errors were harmless. The excerpt begins addressing Vang’s challenges to the convictions and sentences on direct appeal.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Dietzen, Justice
JURISDICTION	Minnesota
DECIDED	October 29, 2009
DOCKET	A08-588
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for aiding and abetting first-degree premeditated murder, aiding and abetting first-degree premeditated murder for the benefit of a gang, aiding and abetting attempted first-degree premeditated murder, and related gang-benefit offenses.
STANDARD OF REVIEW	Evidentiary rulings, including rulings on gang-expert testimony, and refusal to give a requested jury instruction are reviewed for abuse of discretion. Unobjected-to jury-instruction claims are reviewed for plain error affecting substantial rights. Sufficiency of the evidence is reviewed in the light most favorable to the verdict. Permissive consecutive-sentencing decisions are reviewed for clear abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Meng Vang v. State of Minnesota

TOPICS

criminal procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by admitting gang-expert testimony that was cumulative, violated the Confrontation Clause, was hearsay, or expressed an improper legal opinion.
2. Whether the district court improperly admitted testimony concerning witness fear and threats or excluded evidence concerning federal sentencing incentives for jailhouse informants.
3. Whether the district court erred by refusing to give a special corroboration instruction for nonaccomplice informant testimony.
4. Whether the accomplice-liability jury instruction misstated Minnesota law by including both statutory subdivisions and using the phrase "reasonably foreseeable" rather than "reasonably foreseeable to the person."
5. Whether the evidence was sufficient to prove premeditation and whether the consecutive sentences unfairly exaggerated the criminality of Vang's conduct.

HOLDINGS

1. Gang-expert testimony is admissible when it adds precision or depth to the jury's ability to resolve matters outside ordinary experience and is relevant to proving a gang-benefit offense; the district court did not abuse its discretion in admitting Officer Straka's testimony in this case.
2. Any error in admitting Officer Straka's repetition of out-of-court statements concerning Vang's gang affiliation was harmless beyond a reasonable doubt and therefore did not warrant reversal.
3. An expert may testify about facts underlying whether a group engaged in criminal activity, but may not tell the jury that the statutory definition of a criminal gang has been satisfied; any error in admitting Straka's legal opinion was harmless.
4. The charge's general reference to Minnesota Statutes section 609.05 encompassed both subdivisions 1 and 2, so the district court did not err by instructing the jury on both intentional aiding and liability for reasonably foreseeable crimes. Use of "reasonably foreseeable" rather than the full phrase "reasonably foreseeable to the person" did not constitute plain error affecting substantial rights.
5. The evidence was sufficient for the jury to find beyond a reasonable doubt that Vang acted with premeditation in aiding and abetting the murders and attempted murders.
6. The district court did not clearly abuse its discretion by imposing two consecutive life sentences followed by four consecutive 186-month sentences because the sentences did not unfairly exaggerate the criminality of Vang's conduct.

KEY QUOTATIONS

“gang expert testimony is admissible only where it adds “precision or depth to the jury’s ability to reach conclusions about matters that are not within its experience.”” (at 577)

“But we conclude that Straka’s testimony expressed a legal opinion that invaded the province of the jury and “merely [told] the jury what result to reach.”” (at 579)

“We conclude that sufficient evidence supported the jury’s conclusion that appellant acted with premeditation.” (at 583)

FACTUAL BACKGROUND

A fight and shooting erupted at Jimmy’s Pro Billiards in Columbia Heights, Minnesota, after members of the MOD gang confronted a group of Tibetan men. Two men were killed and four others were injured. Witnesses testified that Vang participated in the confrontation, chased fleeing victims, and shot Bunsean Lieng; physical evidence and testimony also connected him to the gang and the shooting. The district court convicted Vang on all twelve counts and imposed two life terms followed by consecutive 186-month sentences.

PROCEDURAL HISTORY

Vang was indicted and tried in Minnesota district court after a shooting at a pool hall that killed two people and injured four others. The jury found him guilty on all twelve charged counts. The district court entered judgments of conviction, imposed two life sentences, and imposed consecutive 186-month sentences for the four attempted-murder convictions. Vang appealed directly to the Minnesota Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. DeShay, 669 N.W.2d 878, 887-88 (Minn. 2003)
- State v. Mahkuk, 736 N.W.2d 675, 686 (Minn. 2007)
- State v. Jackson, 714 N.W.2d 681, 691 (Minn. 2006)
- State v. Valtierra, 718 N.W.2d 425, 435 & n.4 (Minn. 2006)
- Crawford v. Washington, 541 U.S. 36, 53-54 (2004)
- Davis v. Washington, 547 U.S. 813, 822 (2006)
- State v. Courtney, 696 N.W.2d 73, 79-80 (Minn. 2005)
- State v. Al-Naseer, 690 N.W.2d 744, 748 (Minn. 2005)
- State v. Ferguson, 581 N.W.2d 824, 833 (Minn. 1998)
- State v. Moore, 699 N.W.2d 733, 740 (Minn. 2005)
- State v. Saldana, 324 N.W.2d 227, 230-31 & n.5 (Minn. 1982)
- State v. McArthur, 730 N.W.2d 44, 51-52 (Minn. 2007)
- State v. Richardson, 393 N.W.2d 657, 665 (Minn. 1986)

- State v. Crowsbreast, 629 N.W.2d 433, 437 (Minn. 2001)
- State v. White, 684 N.W.2d 500, 508 (Minn. 2004)
- State v. Griller, 583 N.W.2d 736, 740 (Minn. 1998)
- State v. Vance, 734 N.W.2d 650, 656 (Minn. 2007)
- State v. Gutierrez, 667 N.W.2d 426, 434 (Minn. 2003)
- State v. Earl, 702 N.W.2d 711, 721-22 (Minn. 2005)
- State v. Chomnarith, 654 N.W.2d 660, 664 (Minn. 2003)
- State v. Hughes, 749 N.W.2d 307, 312-13 & n.2 (Minn. 2008)
- State v. Moua, 678 N.W.2d 29, 41 (Minn. 2004)
- State v. Leake, 699 N.W.2d 312, 319, 321 (Minn. 2005)
- State v. Holliday, 745 N.W.2d 556, 563-64 (Minn. 2008)
- State v. McLaughlin, 725 N.W.2d 703, 715 (Minn. 2007)
- State v. Hough, 585 N.W.2d 393, 397 (Minn. 1998)
- State v. Blanche, 696 N.W.2d 351, 363, 379 (Minn. 2005)
- State v. Dukes, 544 N.W.2d 13, 20 (Minn. 1996)
- State v. Yang, 774 N.W.2d 539 (Minn. Oct. 29, 2009)