

DISTRICT OF COLUMBIA COURT OF APPEALS

Michael A. Hartley v. United States

Hartley · No. 13-CF-653 · Decided May 14, 2015

SUMMARY

The District of Columbia Court of Appeals held that the evidence was insufficient to support Michael A. Hartley’s conviction for assault with intent to commit robbery while armed because the record did not establish that he possessed or had ready access to a firearm, imitation firearm, or other weapon. The court also held that the victim’s injuries did not constitute significant bodily injury for felony assault. It vacated those convictions, directed entry of judgment for assault with intent to commit robbery and simple assault, and ordered the simple assault conviction to merge with the robbery conviction.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Washington, Chief Judge; Blackburne-Rigsby, Associate Judge; Easterly, Associate Judge
JURISDICTION	District of Columbia
DECIDED	May 14, 2015
DOCKET	13-CF-653
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Hartley appealed from criminal convictions entered after a jury trial, challenging the denial of his motion for judgment of acquittal on convictions for assault with intent to commit robbery while armed and assault with significant bodily injury.
STANDARD OF REVIEW	The court views the evidence in the light most favorable to the government and asks whether a rational factfinder could have found the essential elements of the charged offense beyond a reasonable doubt. It reverses only if there is no evidence upon which a reasonable mind might fairly conclude guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published and precedential District of Columbia Court of Appeals opinion
PARTIES	Michael A. Hartley v. United States

TOPICS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove beyond a reasonable doubt that Hartley was armed with a firearm, imitation firearm, or other dangerous or deadly weapon for purposes of the District of Columbia's while-armed enhancement.
2. Whether the evidence was sufficient to prove that Galloway-Reed suffered a significant bodily injury necessary to support a felony-assault conviction.
3. Whether the challenged convictions required entry of lesser-included convictions and merger of the resulting simple-assault conviction with assault with intent to commit robbery.

HOLDINGS

1. Evidence that Hartley placed his hand in his pocket, pointed it at the victim, and verbally threatened to shoot him was insufficient, on this record, to prove beyond a reasonable doubt that Hartley possessed or had ready access to a firearm, imitation firearm, or other dangerous or deadly weapon.
2. Minor cuts to the face, a black eye, and swelling were insufficient to establish the significant bodily injury required for felony assault under D.C. Code § 22-404(a)(2).
3. The simple-assault conviction merges with the assault-with-intent-to-robbery conviction because both offenses arose from a single, uninterrupted act of violence.

KEY QUOTATIONS

"In other words, the pertinent question on appeal is whether a rational factfinder, after viewing the evidence in a light most favorable to the government, could have found the essential elements of the charged crime beyond a reasonable doubt." (5)

"In sum, on this record, we agree with appellant that there was insufficient evidence to support a finding that appellant attempted to rob JGR while armed with a firearm or an imitation firearm and therefore, his conviction for AWIRWA must be vacated and judgment for the lesser-included offense of AWIR be entered." (8)

FACTUAL BACKGROUND

Hartley attempted to rob James Galloway-Reed of a cell phone at a Metro station and repeatedly demanded that Galloway-Reed surrender it. Hartley placed his hand in his jacket pocket and threatened, "this isn't a joke, I have a gun," but Galloway-Reed testified that he did not believe Hartley actually had a gun. Hartley then followed and physically assaulted Galloway-Reed until police arrived; no firearm or object resembling a firearm was found on Hartley or at the scene. Galloway-Reed suffered minor facial cuts, a black eye, and swelling.

PROCEDURAL HISTORY

A Superior Court of the District of Columbia jury convicted Hartley of assault with intent to commit robbery while armed, assault with significant bodily injury, malicious destruction of property valued at less than \$1,000, and wearing a hood or mask while committing a crime. The trial court denied Hartley's motion for judgment of acquittal on the armed-assault and felony-assault counts. The District of Columbia Court of Appeals held the evidence insufficient on both challenged counts and remanded for entry of convictions on lesser offenses, with the simple-assault conviction to merge with the assault-with-intent-to-robbery conviction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate Hartley's AWIRWA conviction and enter a judgment of conviction on that count for assault with intent to commit robbery. Vacate the felony-assault conviction and enter judgment on the lesser-included offense of simple assault, which must merge with the AWIR conviction.

CASES CITED

- Peterson v. United States, 657 A.2d 756, 760 (D.C. 1995)
- In re R.H.M., 630 A.2d 705, 707 (D.C. 1993)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Taylor v. United States, 662 A.2d 1368, 1371 n.7 (D.C. 1995)
- Paris v. United States, 515 A.2d 199, 204 (D.C. 1986)
- Smith v. United States, 777 A.2d 801, 809-10 (D.C. 2001)
- Boyd v. United States, 473 A.2d 828, 832 (D.C. 1984)
- Bates v. United States, 619 A.2d 984, 985-86 (D.C. 1993)
- Meredith v. United States, 343 A.2d 317, 319 (D.C. 1975)
- In re R.S., 6 A.3d 854, 855 n.1, 858-59 (D.C. 2010)
- Villines v. United States, 320 A.2d 313, 314 (D.C. 1974)