

SUPREME COURT OF SOUTH CAROLINA

State v. Mizzell, 349 S.C. 326

563 S.E.2d 315 (2002) · No. No. 25456 · Decided April 29, 2002

SUMMARY

The Supreme Court of South Carolina held that the trial court violated the defendants' Sixth Amendment Confrontation Clause rights by limiting cross-examination of a co-conspirator witness concerning the potential sentence he faced. Because the witness was the only eyewitness linking the defendants to the burglary and the error was not harmless beyond a reasonable doubt, the court reversed the lower court's decision.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Burnett, Justice; Burnett; Toal; Moore; Waller; Pleicones
JURISDICTION	South Carolina
DECIDED	April 29, 2002
DOCKET	No. 25456
DISPOSITION	reversed
PROCEDURAL POSTURE	Petitioners were convicted by a jury of second-degree burglary and grand larceny after being charged with first-degree burglary, grand larceny, and possession of a firearm during the commission of a violent crime. The South Carolina Court of Appeals affirmed, and the Supreme Court of South Carolina granted certiorari.
STANDARD OF REVIEW	Confrontation Clause limitations on cross-examination are reviewed for prejudicial error; a constitutional error is harmless only if the reviewing court can conclude beyond a reasonable doubt that it did not contribute to the verdict.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Jamie Mizzell, Jimmy Allen "Tootie" Mizzell v. The State

TOPICS

- sixth amendment
- impeachment
- evidence
- criminal procedure
- fourteenth amendment

PRACTICE AREAS

criminal procedure

evidence

constitutional law

QUESTIONS PRESENTED

1. Whether limiting the defendants' cross-examination of a co-conspirator witness concerning the specific sentence the witness could receive if convicted of the same crimes violated the Sixth Amendment Confrontation Clause.
2. Whether the Confrontation Clause error was harmless beyond a reasonable doubt.

HOLDINGS

1. The trial court violated the defendants' Sixth Amendment right of confrontation by excluding testimony concerning Steele's specific potential sentence if convicted of the same crimes. Although evidence of a defendant's possible sentence is generally irrelevant or substantially prejudicial, the defendants' right to expose a prosecution witness's potential bias outweighed that exclusionary interest under the circumstances.
2. The error was not harmless beyond a reasonable doubt and required reversal.

KEY QUOTATIONS

"A defendant has the right to cross-examine a witness concerning bias under the Confrontation Clause." (349 S.C. at 331)

"The lack of a negotiated plea, if anything, creates a situation where the witness is more likely to engage in biased testimony in order to obtain a future recommendation for leniency." (349 S.C. at 333)

"A 'long sentence' may have different meanings to different jurors." (349 S.C. at 334-335)

FACTUAL BACKGROUND

Howard Woods returned home on September 24, 1996, to find that his front door had been forced open and numerous firearms were missing. Investigator Fowler found no fingerprints or other physical evidence connecting the defendants to the burglary. Donald Steele, who had been charged with the same crimes as the defendants, testified that he accompanied them to Woods's home and saw them enter and leave carrying guns; the trial court allowed only general questioning about the potentially lengthy sentence Steele faced, not the specific possible punishment.

PROCEDURAL HISTORY

The trial court limited the defendants' cross-examination of prosecution witness Donald Steele by excluding evidence of the specific sentence Steele could face if convicted of the same charges. The jury convicted petitioners of second-degree burglary and grand larceny. The Court of Appeals affirmed, but the Supreme Court reversed because the limitation violated the defendants' Confrontation Clause rights and was not harmless beyond a reasonable doubt.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The opinion reverses the Court of Appeals; it does not state additional specific remand instructions.

CASES CITED

- State v. Graham, 314 S.C. 383, 444 S.E.2d 525 (1994)
- State v. Schmidt, 288 S.C. 301, 342 S.E.2d 401 (1986)
- Pointer v. Texas, 380 U.S. 400, 85 S. Ct. 1065, 13 L. Ed. 2d 923 (1965)
- Davis v. Alaska, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974)
- State v. Brown, 303 S.C. 169, 399 S.E.2d 593 (1991)
- State v. Brewington, 267 S.C. 97, 226 S.E.2d 249 (1976)
- Delaware v. Van Arsdall, 475 U.S. 673, 106 S. Ct. 1431, 89 L. Ed. 2d 674 (1986)
- State v. Sherard, 303 S.C. 172, 399 S.E.2d 595 (1991)
- Illinois v. Brewer, 245 Ill. App. 3d 890, 185 Ill. Dec. 917, 615 N.E.2d 787 (1993)
- Boone v. Paderick, 541 F.2d 447 (4th Cir. 1976)
- State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991)
- State v. Clark, 315 S.C. 478, 445 S.E.2d 633 (1994)
- Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992)
- State v. Mizzell, 341 S.C. 529, 535 S.E.2d 134 (Ct. App. 2000)