

MICHIGAN SUPREME COURT

People of the State of Michigan v. Joseph Lashawn Vaughn

491 Mich. 642 (2012) · No. 142627 · Decided July 9, 2012

SUMMARY

The Michigan Supreme Court held that a criminal defendant's Sixth Amendment right to a public trial is subject to forfeiture under the rule articulated in *People v. Carines* when the defendant fails to timely object. Applying plain-error review, the Court concluded that the courtroom closure during voir dire did not warrant a new trial because the defendant failed to show that the forfeited error seriously affected the fairness, integrity, or public reputation of judicial proceedings. The Court also rejected the defendant's ineffective-assistance claim and affirmed his convictions.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Robert P. Young, Jr., Chief Justice; Robert P. Young, Jr.; Michael F. Cavanagh; Marilyn Kelly; Stephen J. Markman; Diane M. Hathaway; Mary Beth Kelly; Brian K. Zahra
JURISDICTION	Michigan
DECIDED	July 9, 2012
DOCKET	142627
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed convictions after the Michigan Court of Appeals affirmed, challenging the closure of the courtroom during jury voir dire and asserting ineffective assistance of counsel for failing to object.
STANDARD OF REVIEW	Constitutional questions are reviewed de novo; findings of fact are reviewed for clear error; ineffective-assistance claims present mixed questions of fact and constitutional law.
PRECEDENTIAL VALUE	Published, precedential Michigan Supreme Court opinion
PARTIES	Joseph Lashawn Vaughn v. People of the State of Michigan

TOPICS

- criminal procedure
- jury selection
- sixth amendment
- ineffective assistance
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether closure of the courtroom during jury voir dire violated the defendant's Sixth Amendment and Michigan constitutional rights to a public trial.
2. Whether failure to object to the courtroom closure forfeited the public-trial claim or instead required a personal and informed waiver.
3. Whether an unpreserved denial of the right to a public trial is subject to Michigan's Carines plain-error standard.
4. Whether Vaughn was entitled to a new trial because the forfeited courtroom closure seriously affected the fairness, integrity, or public reputation of judicial proceedings.
5. Whether trial counsel was ineffective for failing to object to the courtroom closure.

HOLDINGS

1. The circuit court violated Vaughn's constitutional right to a public trial by closing the courtroom during voir dire without advancing an overriding interest, considering reasonable alternatives, or making adequate findings supporting closure.
2. A defendant's Sixth Amendment right to a public trial is subject to forfeiture under the four-part plain-error rule articulated in *People v. Carines* when the defendant fails to timely object to courtroom closure.
3. Although the courtroom closure was plain error and a structural error that could satisfy the substantial-rights prong, Vaughn was not entitled to relief because he failed to show that the error seriously affected the fairness, integrity, or public reputation of the judicial proceedings.
4. Vaughn was not entitled to a new trial for ineffective assistance because he failed to establish deficient performance or a reasonable probability that counsel's failure to object changed the outcome.
5. Article 1, § 20 of the Michigan Constitution does not provide broader protection for the right to a public trial than the Sixth Amendment under the circumstances presented.

KEY QUOTATIONS

"We hold that a defendant's right to a public trial is subject to the forfeiture rule articulated in People v Carines" (at 657)

"While a criminal defendant has the constitutional right to a public trial, that right is forfeited when no objection is made at the time of the courtroom's closure to members of the public." (at 670)

FACTUAL BACKGROUND

On June 14, 2002, Vaughn allegedly shot at Emmitt Smith and a neighbor after leaving a car partially blocking Smith's driveway. Vaughn was arrested and charged with felon-in-possession, felony-firearm, and two counts of

assault. During jury voir dire, the circuit court closed the courtroom to members of the public without stating a reason, and neither Vaughn nor his counsel objected.

PROCEDURAL HISTORY

Vaughn was convicted in the Wayne Circuit Court of felon-in-possession, felony-firearm, and two counts of assault with intent to commit great bodily harm less than murder. The Michigan Court of Appeals unanimously affirmed, holding that counsel's failure to object to the courtroom closure foreclosed relief and rejecting the ineffective-assistance claim. The Michigan Supreme Court granted leave to appeal, vacated the Court of Appeals' opinion to the extent inconsistent with its decision, affirmed on alternative grounds, and affirmed the convictions.

DISPOSITION

affirmed

CASES CITED

- People v. Carines, 460 Mich. 750, 597 N.W.2d 130 (1999)
- Presley v. Georgia, 558 U.S. ___, 130 S. Ct. 721, 175 L. Ed. 2d 675 (2010)
- Waller v. Georgia, 467 U.S. 39, 81 L. Ed. 2d 31 (1984)
- United States v. Olano, 507 U.S. 725, 123 L. Ed. 2d 508 (1993)
- Johnson v. United States, 520 U.S. 461, 137 L. Ed. 2d 718 (1997)
- Strickland v. Washington, 466 U.S. 668, 80 L. Ed. 2d 674 (1984)
- People v. Duncan, 462 Mich. 47, 610 N.W.2d 551 (2000)
- Detroit Free Press v. Recorder's Court Judge, 409 Mich. 364, 294 N.W.2d 827 (1980)
- In re Oliver, 333 U.S. 257, 68 S. Ct. 499, 92 L. Ed. 682 (1948)
- People v. Vaughn, 291 Mich. App. 183, 804 N.W.2d 764 (2010)