

SUPREME COURT OF CALIFORNIA

People v. Poggi

45 Cal. 3d 306, 753 P.2d 1082, 246 Cal. Rptr. 886 (Cal. 1988) · No. Crim. 22855 · Decided May 16, 1988

SUMMARY

The California Supreme Court reviewed an automatic appeal from a judgment of death following Joseph Carlos Poggi’s convictions for murder, rape, robbery, burglary, and assault with a deadly weapon. The opinion addresses the admissibility of a homicide victim’s statements under the spontaneous statement hearsay exception, joinder and severance, photographs, serological evidence, and sufficiency of the evidence. The court upheld the admission of the victim’s statements and rejected the defendant’s severance, serological-evidence, and sufficiency challenges, while finding the admission of certain photographs erroneous but harmless.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Panelli, J.; Lucas, C.J.; Arguelles, J.; Eagleson, J.; Kaufman, J.; Broussard, J.; Mosk, J.
JURISDICTION	California
DECIDED	May 16, 1988
DOCKET	Crim. 22855
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from a judgment imposing the death penalty following convictions for murder, robbery, rape, burglary, assault with a deadly weapon, and related special-circumstance findings.
STANDARD OF REVIEW	Admission of spontaneous statements and denial of severance are reviewed for abuse of discretion; sufficiency of the evidence is reviewed under whether any rational trier of fact could find the essential elements beyond a reasonable doubt, viewing the evidence in the light most favorable to the prosecution; evidentiary errors are assessed for prejudice under People v. Watson; preserved constitutional penalty-phase errors may be reviewed under the applicable constitutional harmless-error standard.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Musgrove's statements to the responding officer were admissible under the spontaneous statement exception to the hearsay rule.
2. Whether the trial court abused its discretion by denying severance of the charges involving Musgrove and B.V.
3. Whether the challenged photographs were relevant and whether their admission was prejudicial.
4. Whether the serological evidence was inadmissible because the prosecution failed to establish scientific reliability or because statistical blood-group evidence was misleading.
5. Whether substantial evidence supported the burglary, robbery, and rape convictions.
6. Whether the felony-murder special-circumstance findings required an intent-to-kill instruction or additional instruction concerning interruption between the murder and underlying felonies.
7. Whether the penalty-phase psychiatric testimony, other-crimes evidence, prosecutorial argument, jury instructions, sentencing formula, and alleged ineffective assistance required reversal or modification of the death sentence.
8. Whether the death penalty was cruel or unusual or disproportionate under the California or federal Constitution.

HOLDINGS

1. Statements qualify as spontaneous statements when they describe an event perceived by the declarant and are made while the declarant remains under the stress of excitement, even if made approximately 30 minutes later, in response to simple questions, or after the declarant has become coherent enough to speak.
2. The trial court did not abuse its discretion by joining the Musgrove and B.V. charges because the offenses were properly joinable and Poggi failed to show clear or substantial prejudice.
3. The trial court erred by admitting photographs that were irrelevant to any disputed material issue after the defense offered to stipulate that the victim was alive before the attack and had died, but the error was harmless.
4. The challenge to the reliability of the serological tests was waived by failure to make a timely and specific objection, and the admission of statistical blood-group evidence did not warrant reversal.

5. Substantial evidence supported Poggi's convictions for burglary, robbery, and rape at the Musgrove residence.
6. No intent-to-kill instruction was required for the felony-murder special circumstances because the evidence showed that Poggi was either the actual killer or uninvolved, with no evidence that he was merely an accomplice.
7. Admission of psychiatric testimony from court-appointed experts did not violate the Fifth or Sixth Amendments where Poggi initiated the psychiatric examination and presented psychiatric evidence at the penalty phase.
8. The ineffective-assistance claims did not warrant relief on direct appeal because counsel articulated a reasonable tactical reason for declining one instruction, and the record did not establish deficient performance or prejudice as to the remaining claims.
9. The death sentence was not cruel or unusual or disproportionate under the California or federal Constitution despite Poggi's organic brain damage and mental illness.

KEY QUOTATIONS

“Neither lapse of time between the event and the declarations nor the fact that the declarations were elicited by questioning deprives the statements of spontaneity if it nevertheless appears that they were made under the stress of excitement and while the reflective powers were still in abeyance.” (319-320)

“Under the same reasoning, the fact that the declarant has become calm enough to speak coherently also is not inconsistent with spontaneity.” (320)

“A defendant must prove a “substantial” or “clear” prejudice in order to establish an abuse of discretion arising from a failure to sever; mere lack of cross-admissibility or the existence of capital charges is not enough.” (321)

“In reviewing the sufficiency of evidence, the question we ask is “whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.”” (325)

FACTUAL BACKGROUND

On December 15, 1980, B.V. was assaulted and raped in Cudahy, and Patricia Musgrove was later attacked, raped, robbed, stabbed, and fatally wounded in her home. Evidence linking Poggi to the Musgrove crimes included eyewitness identification, testimony that he was seen leaving Musgrove's residence wet and bloody, blood evidence, matching knives, and his hiding under a bed at his family's nearby home. Musgrove made statements to a responding officer while severely wounded and still excited, describing the attack and identifying characteristics of the perpetrator. At the penalty phase, the prosecution presented evidence of Poggi's prior violent conduct, while the defense presented evidence of organic brain damage, schizophrenia, and mental illness.

PROCEDURAL HISTORY

Poggi was tried and convicted in the superior court after the court denied his motion to sever charges involving Patricia Musgrove from charges involving B.V. The trial court granted acquittal on a kidnapping charge but denied acquittal on the remaining charges; the jury imposed death, and the superior court entered judgment. The California Supreme Court reviewed the judgment on automatic appeal and affirmed it. A petition for rehearing was denied on June 30, 1988, and the opinion was modified as printed.

DISPOSITION

affirmed

CASES CITED

- People v. Washington, 71 Cal. 2d 1170, 1176-1177 (1969)
- Showalter v. Western Pacific R.R. Co., 16 Cal. 2d 460, 468-469 (1940)
- People v. Tewksbury, 15 Cal. 3d 953, 966 n.13 (1976)
- People v. Jones, 155 Cal. App. 3d 653, 662 (1984)
- People v. Balderas, 41 Cal. 3d 144, 171-173 (1985)
- Williams v. Superior Court, 36 Cal. 3d 441, 447, 452-453 (1984)
- People v. Turner, 37 Cal. 3d 302, 321 (1984)
- People v. Watson, 46 Cal. 2d 818, 836 (1956)
- People v. Kelly, 17 Cal. 3d 24, 30 (1976)
- People v. Collins, 68 Cal. 2d 319, 329-330 (1968)
- People v. Johnson, 26 Cal. 3d 557, 576 (1980)
- People v. Anderson, 43 Cal. 3d 1104, 1138-1147 (1987)
- Carlos v. Superior Court, 35 Cal. 3d 131 (1983)
- Buchanan v. Kentucky, 483 U.S. 402 (1987)
- Estelle v. Smith, 451 U.S. 454 (1981)
- People v. Green, 27 Cal. 3d 1, 22, 27-34 (1980)
- People v. Brown, 40 Cal. 3d 512, 538-544 (1985)
- People v. Easley, 34 Cal. 3d 858, 877-878 (1983)
- People v. Pope, 23 Cal. 3d 412, 425-426 (1979)
- Enmund v. Florida, 458 U.S. 782, 801 (1982)
- People v. Dillon, 34 Cal. 3d 441, 479-482 (1983)