

DISTRICT OF COLUMBIA COURT OF APPEALS

Leander v. United States

65 A.3d 672 (D.C. 2013) · Decided May 9, 2013

SUMMARY

The District of Columbia Court of Appeals affirmed Jay Young Leander’s convictions for simple assault and attempted possession of a prohibited weapon. The court rejected his claims concerning delayed disclosure of a videotaped interview and insufficient evidence, including his argument that a gravy pot was not a dangerous weapon. Although the trial judge violated Super. Ct. Crim. R. 11(e) by suggesting that a guilty plea could result in sentencing credit, the error was harmless because Leander was not shown to have received a harsher sentence for going to trial.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Oberly, Associate Judge; Belson; Glickman; Oberly
JURISDICTION	District of Columbia
DECIDED	May 9, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Following a bench trial in the Superior Court of the District of Columbia, appellant was convicted of simple assault and attempted possession of a prohibited weapon. He appealed, challenging alleged untimely disclosure of a videotaped interview, the sufficiency of the evidence, and the trial judge's participation in plea discussions.
STANDARD OF REVIEW	The alleged Rule 16 discovery violation was reviewed for plain error because appellant did not object, seek additional review time, challenge admissibility, or request sanctions. The court would not reverse the fact-finder's credibility determinations unless clearly erroneous. The Rule 11(e) violation was reviewed for harmlessness, with prejudice required for reversal.
PRECEDENTIAL VALUE	published opinion
PARTIES	Jay Young Leander a/k/a Leander Jay Young v. United States

TOPICS

- plea bargaining
- criminal procedure
- appellate procedure
- standard of review
- sentencing

PRACTICE AREAS

criminal procedure

appellate procedure

criminal sentencing

criminal evidence

QUESTIONS PRESENTED

1. Whether the government violated Super. Ct. Crim. R. 16 by allegedly delivering a videotaped police interview too late for trial preparation.
2. Whether the evidence was sufficient to support the convictions for simple assault and attempted possession of a prohibited weapon, including whether the gravy pot qualified as a dangerous weapon.
3. Whether the trial judge violated Super. Ct. Crim. R. 11(e) by raising the possibility of a guilty plea and suggesting leniency for acceptance of responsibility.
4. Whether the Rule 11(e) violation required reversal when appellant did not plead guilty and did not show that the judge imposed a harsher sentence because he went to trial.

HOLDINGS

1. The trial court did not commit reversible error by allowing defense counsel time during the lunch recess to review the videotape and by declining to impose sanctions sua sponte for the alleged Rule 16 violation.
2. The evidence was sufficient to support the convictions, and the gravy pot qualified as a dangerous weapon under D.C. Code § 22-4514(b) because an ordinary household object may be a dangerous weapon based on the manner in which it is used, intended to be used, or threatened to be used.
3. The trial judge violated Super. Ct. Crim. R. 11(e) by sua sponte raising the possibility of a guilty plea and suggesting that appellant could receive sentencing credit for acceptance of responsibility before appellant chose whether to go to trial.
4. The Rule 11(e) violation was harmless and did not require reversal because appellant did not plead guilty, did not demonstrate that the trial judge imposed a harsher sentence for exercising his right to trial, and the record did not show a reasonable likelihood of judicial vindictiveness.

KEY QUOTATIONS

“The Rule provides, in pertinent part, that “The Court shall not participate in any discussions between the parties concerning any ... plea agreement.”” (at 675)

“A defendant in appellant’s position could well have taken the judge’s comments as coercive and have been concerned about the judge’s impartiality in the event he chose to go to trial.” (at 676)

“Absent prejudice stemming from the trial court’s Rule 11(e) violation, the judgment of the Superior Court must be affirmed.” (at 677)

FACTUAL BACKGROUND

The case arose from a Thanksgiving Day altercation between appellant and his brother at their mother's house. The trial court credited the brother's account that appellant lunged at him, causing a tendon rupture, and struck at

his head with a gravy pot, resulting in a hand laceration requiring stitches and causing permanent damage. Before trial, the judge raised the possibility of a plea and stated that she gave substantial credit for acceptance of responsibility; appellant proceeded to trial and was convicted.

PROCEDURAL HISTORY

The Superior Court found appellant guilty after a bench trial and sentenced him to incarceration, suspended incarceration, supervised probation, treatment and anger-management requirements, a stay-away order, and a \$100 assessment. On appeal, the District of Columbia Court of Appeals rejected the discovery and sufficiency challenges, held that the trial judge violated Super. Ct. Crim. R. 11(e) by suggesting leniency for acceptance of responsibility before trial, but found the error harmless because appellant was not shown to have been penalized for exercising his right to trial.

DISPOSITION

affirmed

CASES CITED

- Sandwich v. District of Columbia, 21 A.3d 997, 1002 (D.C. 2011)
- Stroman v. United States, 878 A.2d 1241, 1244 (D.C. 2005)
- Harper v. United States, 811 A.2d 808, 810 (D.C. 2002)
- United States v. Tobin, 676 F.3d 1264, 1303-08 (11th Cir. 2012)
- United States v. Cano-Varela, 497 F.3d 1122, 1133 (10th Cir. 2007)
- Boyd v. United States, 703 A.2d 818, 821 (D.C. 1997)
- United States v. Jackson, 390 F.2d 130, 133 (7th Cir. 1968)
- Thorne v. United States, 46 A.3d 1085 (D.C. 2012)
- German v. United States, 525 A.2d 596, 603 (D.C. 1987)

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