

SUPREME COURT OF KENTUCKY

Travis Jeter v. Commonwealth of Kentucky

2015-SC-000616-MR · No. 2015-SC-000616-MR · Decided November 29, 2017

SUMMARY

The Kentucky Supreme Court affirmed Travis Jeter's convictions for first-degree robbery, first-degree possession of cocaine, and use of drug paraphernalia. The Court held that a witness's spontaneous in-court identification did not implicate the due process standards governing unnecessarily suggestive identification procedures, and that the trial court properly denied Jeter's procedurally deficient motion for a continuance. The Court also concluded that trying the robbery and drug-related charges together was not prejudicial.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Hughes
JURISDICTION	Kentucky
DECIDED	November 29, 2017
DOCKET	2015-SC-000616-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jeter appealed as a matter of right from a Hardin Circuit Court judgment convicting him of first-degree robbery, first-degree possession of a controlled substance, and use of drug paraphernalia.
STANDARD OF REVIEW	The court reviewed the denial of the eyewitness-identification motion under the applicable due-process framework, the denial of a continuance for abuse of discretion, and the denial of severance for abuse of discretion, with reversal for improper joinder requiring a showing of actual prejudice supported by the record.
PRECEDENTIAL VALUE	published
PARTIES	Travis Jeter v. Commonwealth of Kentucky

TOPICS

criminal procedure

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PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether the trial court violated Jeter's due-process rights by allowing a witness to make a spontaneous first-time in-court identification.
2. Whether the trial court abused its discretion by denying Jeter's last-minute motion for a continuance based on the alleged need to obtain GPS evidence from telephone records.
3. Whether the trial court abused its discretion by refusing to sever the robbery charge from the drug and drug-paraphernalia charges.

HOLDINGS

1. A witness's unrequested and spontaneous in-court identification did not implicate the Biggers due-process screening requirement because it was not the product of state action, and the ordinary trial process and jury evaluation provided the process due.
2. The trial court properly denied Jeter's continuance motion because a motion seeking postponement due to absent evidence must comply with RCr 9.04's affidavit requirement, and the submitted affidavit was unsigned, uncertified, and substantively insufficient to establish due diligence.
3. The joint trial did not warrant relief because, even if joinder was technically questionable, Jeter failed to show actual prejudice supported by the record.

KEY QUOTATIONS

"[M]ost eyewitness identifications involve some element of suggestion. Indeed, all in-court identifications do." (at 9)

"In sum, Jeter's claims do not establish a right to relief." (at 20)

FACTUAL BACKGROUND

The robbery victim was attacked in her vehicle in a shopping-mall parking lot by a man who demanded her money and keys, threatened to shoot and kill her, and struck her repeatedly before taking her purse. A second witness saw a man leave the victim's vehicle, and mall security video connected the perpetrator's pickup truck to Jeter's mother and then to Jeter. Police found Jeter's glasses in the victim's car, a jacket bearing DNA matching the victim, and cocaine-related paraphernalia during searches connected to the truck and Jeter's residence. Jeter asserted an alibi and mistaken-identity defense, claiming that another person could have used his truck and jacket.

PROCEDURAL HISTORY

Jeter was indicted by the Hardin County Grand Jury, arraigned, and proceeded to a jury trial in the Hardin Circuit Court. The jury convicted him and recommended concurrent sentences of life imprisonment for first-

degree robbery, three years for first-degree cocaine possession, and twelve months for use of drug paraphernalia, with Jeter sentenced as a first-degree persistent felony offender. The Supreme Court of Kentucky affirmed.

DISPOSITION

affirmed

CASES CITED

- Neil v. Biggers, 409 U.S. 188 (1972)
- Perry v. New Hampshire, 565 U.S. 228 (2012)
- Commonwealth v. Parker, 409 S.W.3d 350, 352 (Ky. 2013)
- Lee v. Foster, 750 F.3d 687 (7th Cir. 2014)
- United States v. Hill, 967 F.2d 226, 232 (6th Cir. 1992)
- United States v. Domina, 784 F.2d 1361, 1368 (9th Cir. 1986)
- Fairley v. Commonwealth, 2016-SC-000021 (Ky. Sept. 28, 2017)
- Northington v. Commonwealth, 459 S.W.3d 404, 410 (Ky. App. 2015)
- Russell v. Commonwealth, 490 S.W.2d 726 (Ky. 1973)
- Thompson v. Commonwealth, 2004 WL 2624165 (Ky. 2004)
- United States v. Correa-Osorio, 784 F.3d 11 (1st Cir. 2015)
- Campbell v. Blankenship, 308 Ky. 808, 215 S.W.2d 960 (1948)
- Shafizadeh v. Shafizadeh, 444 S.W.3d 437 (Ky. App. 2012)
- Hammond v. Commonwealth, 366 S.W.3d 425, 429 (Ky. 2012)
- Rearick v. Commonwealth, 858 S.W.2d 185 (Ky. 1993)
- Roark v. Commonwealth, 90 S.W.3d 24, 28 (Ky. 2002)
- Price v. Commonwealth, 31 S.W.3d 885, 889 (Ky. 2000)