

SUPREME COURT OF WYOMING

Holloman v. State

106 P.3d 879 (Wyo. 2005) · No. No. 03-160 · Decided February 28, 2005

SUMMARY

The Supreme Court of Wyoming affirmed Brian K. Holloman’s first-degree murder conviction and life sentence. The court held that the trial court did not err in excluding the prior criminal records of the victim and a third person because Holloman’s offer of proof was inadequate. Although the court found errors in the admission of certain character and other-acts evidence, it deemed those errors harmless in light of the overwhelming evidence of guilt.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Hill, Chief Justice; Hill, C.J.; Golden, J.; Kite, J.; Voigt, J.; Stebner, D.J., retired
JURISDICTION	Wyoming
DECIDED	February 28, 2005
DOCKET	No. 03-160
DISPOSITION	affirmed
PROCEDURAL POSTURE	Holloman appealed his first-degree murder conviction and life sentence, challenging the exclusion of criminal-record evidence concerning the victim and a third person and the admission of alleged W.R.E. 404(b) character evidence.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. The court will not disturb the ruling absent an unreasonable, arbitrary, or capricious exercise of discretion. Harmless-error review applies when an evidentiary error is shown.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Brian K. Holloman v. State of Wyoming

TOPICS

- character evidence
- self defense
- criminal procedure
- appellate procedure
- harmless error

PRACTICE AREAS

criminal law

evidence

criminal procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the district court erred by excluding the prior criminal records of Douglas Johnson and Herman Thunder Hawk under W.R.E. 404(a)(2), thereby depriving Holloman of the ability to present a self-defense theory.
2. Whether the district court erred by admitting evidence of Holloman's prior conduct and statements under W.R.E. 404(b), including evidence concerning his use of aliases, anger, and stated desire for retribution.
3. Whether any evidentiary errors affected Holloman's substantial rights.

HOLDINGS

1. The district court did not err in excluding the offered criminal-record evidence because Holloman's offer and proposed method of proof were inadequate; the submission was largely a list of offenses without sufficient foundation, detail, relevance, materiality, competency, or remoteness information.
2. The prosecutor's initial use of Holloman's aliases solely to suggest bad character or a criminal mindset was improper, but the alias evidence became admissible to impeach Holloman's credibility after he testified in his own defense.
3. The State improperly introduced evidence concerning Holloman's anger, alleged desire for retaliation, and related conduct from the day before the killing without establishing a permissible noncharacter purpose or satisfying the required evidentiary analysis, but the error was harmless.
4. Any errors in admitting or excluding evidence were harmless and did not warrant reversal.

KEY QUOTATIONS

“In future cases involving the admissibility of evidence under W.R.E. 404(b), the record shall reflect the trial court's identification of the purpose or purposes for admission of the evidence, the findings and conclusions establishing relevance and probative value, and the factors considered in balancing probative value against the potential for unfair prejudice.” (106 P.3d at 887, ¶ 25)

“We conclude that any errors in the admission or exclusion of evidence in this case were harmless. The judgment and sentence of the district court are affirmed.” (106 P.3d at 887, ¶ 27)

FACTUAL BACKGROUND

Holloman, Douglas Johnson, and Herman Thunder Hawk were drinking heavily in a third-story hotel room in Cheyenne. The State presented eyewitness testimony that Holloman held Johnson out of a window and then dropped or pushed him to his death, while Holloman claimed Johnson's death was an accident following an assault that left Holloman disoriented. Holloman sought to introduce the prior criminal records of Johnson and Thunder Hawk to support his self-defense theory, and the State introduced evidence concerning Holloman's conduct and statements surrounding a facial injury sustained the day before the killing.

PROCEDURAL HISTORY

Holloman was convicted of first-degree murder and sentenced to life in prison. His prior conviction for the same crime had been reversed because the trial court failed to give requested self-defense instructions. After retrial and a renewed conviction, he appealed; the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Holloman v. State, 2002 WY 117, 51 P.3d 214 (Wyo. 2002)
- Wilde v. State, 2003 WY 93, ¶ 13, 74 P.3d 699, 707 (Wyo. 2003)
- Edwards v. State, 973 P.2d 41, 45-47 (Wyo. 1999)
- Braley v. State, 741 P.2d 1061, 1067-69 (Wyo. 1987)
- State v. Velsir, 61 Wyo. 476, 159 P.2d 371, 373-74 (Wyo. 1945)
- Mortimore v. State, 24 Wyo. 452, 161 P. 766, 772 (Wyo. 1916)
- Person v. State, 2004 WY 149, ¶¶ 19-21, 100 P.3d 1270 (Wyo. 2004)
- State v. Williams, 2004 WY 53, ¶ 12, 90 P.3d 85 (Wyo. 2004)
- Howard v. State, 2002 WY 40, 42 P.3d 483 (Wyo. 2002)
- United States v. Williams, 739 F.2d 297, 299-300 (7th Cir. 1984)
- Commonwealth v. Martin, 442 Mass. 1002, 809 N.E.2d 536, 537-38 (2004)
- State v. Martinez, 621 N.W.2d 689, 695-96 (Iowa Ct. App. 2000)
- State v. Elmore, 139 Wn.2d 250, 985 P.2d 289, 310 (1999)
- State v. Johnson, 90 Wn. App. 54, 950 P.2d 981, 990 (Div. 2 1998)
- State v. Bergeron, 162 Wis. 2d 521, 470 N.W.2d 322, 324-26 (Ct. App. 1991)
- Williams v. State, 2004 WY 117, ¶¶ 8-13, 99 P.3d 432 (Wyo. 2004)
- Gleason v. State, 2002 WY 161, ¶¶ 16-18, 26-30, 57 P.3d 332 (Wyo. 2002)
- Dean v. State, 865 P.2d 601 (Wyo. 1993)
- Rigler v. State, 941 P.2d 734 (Wyo. 1997)