Legal Cases

U.S. Supreme Court
Crane v. Kentucky, 476 U.S. 683 (1986)
No. 85-5238
Argued April 23, 1986
Decided June 9, 1986
476 U.S. 683
690 S.W.2d 753, reversed and remanded.
O'CONNOR, J., delivered the opinion for a unanimous Court.
Page 476 U. S. 684

Overview

A week after liquor store clerk was killed, defendant, then 16, was arrested for another crime. According to police, defendant began confessing to a host of crimes. Upon questioning, defendant initially denied involvement in the murder of the store clerk but then confessed to it. At trial, defendant filed a motion to suppress the confession as having been involuntarily given. The trial court denied the motion, finding that the confession was voluntary. Because the prosecution had no physical or other evidence to link defendant to the crime other than his confession, the defense was that his confession was given under circumstances that made its credibility suspect. The trial court, however, excluded all evidence regarding the circumstances under which the confession was given, concluding that such evidence related only to voluntariness, which had already been decided. In overturning the conviction, the Court found that such evidence should have been admitted because its exclusion denied defendant his Fourteenth and Sixth Amendment rights to present a complete defense. The evidence of the voluntariness and the credibility of the confession were not mutually exclusive.

Outcome

The Court reversed defendant's conviction and remanded the case for further proceedings.

United States v. Shay
United States Court of Appeals for the First Circuit
June 22, 1995, Decided
No. 93-2141
Reporter
57 F.3d 126 *; 1995 U.S. App. LEXIS 15360 **; 42 Fed. R. Evid. Serv. (Callaghan) 341
UNITED STATES, Appellee, v. THOMAS A. SHAY,
Defendant - Appellant.

Overview

Defendant was convicted of conspiracy and aiding and abetting an attempt to blow up his father's car, largely based on several incriminating statements that defendant made following the explosion. On appeal, defendant argued that the district court erred in excluding expert testimony that defendant's statements were unreliable because defendant suffered from pseudologia fantastica, a mental disorder that caused him to lie pathologically. The court rejected defendant's other points of error, that the district court incorrectly excluded certain testimony from defendant's former attorney, that the district court inadequately instructed the jury on the defense theory, and that it wrongly excluded defendant's expert testimony regarding his diminished capacity. However, the court agreed

with defendant that the district court erred in excluding defendant's expert testimony on pseudologia fantastica under Fed. R. Evid. 702. The court held that the district court erroneously found that the expert testimony would not assist the jury in evaluating the reliability of defendant's statements, and remanded for further proceedings to determine if the expert testimony was otherwise admissible.

Outcome

The court remanded the case for further proceedings consistent with the court's opinion that it was error for the district court to exclude defendant's expert testimony regarding the reliability of his incriminating statements. The court held that the district court misinterpreted the Federal Rules of Evidence when it found that the expert's testimony would not assist the jury in evaluating the reliability of defendant's statements.

United States v. Hall

United States Court of Appeals for the Seventh Circuit
February 22, 1996, Argued ; August 27, 1996, Decided
No. 95-2994
Reporter
93 F.3d 1337 *; 1996 U.S. App. LEXIS 22173 **; 45 Fed. R. Evid. Serv. (Callaghan) 1
UNITED STATES OF AMERICA, Plaintiff-Appellee, v. LARRY D. HALL, Defendant-Appellant.

Overview

Defendant was convicted of kidnapping a 15-year old girl for purposes of sexual gratification and transporting her out of state in violation of 18 U.S.C.S. § 1201(a)(1). On appeal, defendant argued that the district court should have suppressed his confession and that the district court erred in refusing to permit defendant's experts to testify about false confessions and his susceptibility to coercion. The court reversed the conviction and remanded, holding that the district court failed to apply the correct legal standards under Fed. R. Evid. 702 in considering whether to allow expert testimony on defendant's personality disorder. The district judge concluded that the testimony would not assist the jury because the evidence was within the jury's knowledge. The court found that properly conducted social science research could have shown that the jury's commonly held beliefs were in error. The testimony could have let the jury know of the phenomenon of false confessions, how to recognize it, and how to decide whether it fit the facts of the case. The court held that the error was not harmless because the testimony went to the heart of the defense.

Outcome

The court reversed the conviction for kidnapping and remanded, holding that the district court failed to apply the correct legal standards in considering whether to allow expert testimony on defendant's personality disorder because the testimony could have let the jury know of the phenomenon of false confessions, how to recognize it, and how to decide whether it fit the facts of the case.

United States v. Griffin

United States Court of Appeals for the Armed Forces
October 5, 1998, Argued ; May 12, 1999, Decided
No. 98-0056

Reporter
50 M.J. 278 *; 1999 CAAF LEXIS 722 **

Overview

The government argued that the military judge did not abuse his discretion by excluding appellant's expert's testimony because the testimony was unreliable, had minimal probative value, and would have been confusing and a waste of time. Appellant contended the military judge abused his discretion because his only realistic hope of acquittal was to convince the judge that his confession was either coerced or false. The burden was on the prosecution to establish admissibility of a confession. Appellant's expert's testimony was relevant regarding the characteristics of the accused in relation to psychological coercion, but the reliability of the proffered testimony had not been established. At most, the expert could testify only that appellant's confession was consistent with a coerced compliant type of confession. Furthermore, the proffered evidence shed little light on the question whether appellant was coerced to confess. While the expert diagnosed appellant as having a compliant personality, he also admitted that most successful military persons were compliant. Thus, the expert's testimony was of little value and the decision of the lower court was affirmed.

United States v. McGinnis
United States Army Court of Criminal Appeals
August 19, 2010, Decided
ARMY 20071204
Reporter
2010 CCA LEXIS 96 *; 2010 WL 3931494
UNITED STATES, Appellee v. Specialist PATRICK C. MCGINNIS United States Army, Appellant

Overview

Military judge (MJ) should not have considered whether an expert would have yielded admissible testimony in determining necessity for expert assistance under Gonzalez. But it was his legal conclusion that coercive interrogation technique testimony could never be admissible as a reason for denying expert assistance that further supported the conclusion his decision was arbitrary. The servicemember was denied the opportunity to obtain witnesses and other evidence to develop evidence and test and challenge the government's case as required by Unif. Code Mil. Justice art.

Outcome

The findings and sentence were set aside. A rehearing could be ordered by the same or a different convening authority.

Lunbery v. Hornbeak
United States Court of Appeals for the Ninth Circuit
January 15, 2010, Argued and Submitted, San Francisco, California; May 25, 2010, Filed
No. 08-17576
Reporter
605 F.3d 754 *; 2010 U.S. App. LEXIS 10554 **
KRISTI LYN LUNBERY, Petitioner-Appellant, v. TINA HORNBEAK, Warden; ATTORNEY GENERAL, Respondents-Appellees.

Procedural Posture

A jury found petitioner state prisoner guilty of second degree murder for the murder of her husband. The prisoner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C.S. § 2254. The United States District Court for the Eastern District of California denied the petition. The prisoner appealed.

Overview

The state court excluded as hearsay a witness's testimony that an individual admitted that his partners murdered the prisoner's husband in error. Pursuant to Chambers, where constitutional rights directly affecting the ascertainment of guilt were implicated, the hearsay rule could not have been applied mechanistically to defeat the ends of justice. The court found that the individual's statement was against his penal interest because he exposed himself to the risk of criminal prosecution. The individual's statement was made shortly after the murder, and it was corroborated by other evidence in the case. Thus, the excluded testimony bore substantial guarantees of trustworthiness and was critical to the prisoner's defense. The rulings of the state courts were prejudicial to the prisoner's defense because the evidence would probably have led to a state of reasonable doubt. The state courts' application of their evidentiary rules denied the prisoner her constitutional right to present a defense, under the Due Process Clause of the Fourteenth Amendment. The state appellate court's conclusion constituted an objectively unreasonable application of Chambers.

Outcome

The judgment of the district court was reversed. The case was remanded with directions to issue the writ.

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES, Appellee v. Specialist MATTHEW D. BELL United States Army, Appellant

ARMY 20100266

22 March 2013

OPINION OF THE COURT

A military judge sitting as a general court-martial convicted appellant, consistent with his pleas, of one specification of aggravated sexual assault of a child and one specification of abusive sexual contact with a child, in violation of Article 120, Uniform Code of Military Justice, 10 U.S.C. § 920 (2006 & Supp. I 2007) [hereinafter UCMJ]. Contrary to his pleas, a general court-martial composed of officer and enlisted members found appellant guilty of one specification of indecent acts or liberties with a child in violation of Article 134, UCMJ,[1] and found him not guilty of a second specification of indecent acts or liberties with a child. The panel sentenced appellant to a dishonorable discharge, confinement for twenty-five years, forfeiture of all pay and allowances, and reduction to the grade of E-1. The convening authority approved only twenty-four years and six months' confinement, but otherwise approved the adjudged sentence and credited appellant with two days of confinement against the sentence to confinement.[2]

Appellant's case is before this court for review pursuant to Article 66, UCMJ. Appellant raises five assignments of error, three of which merit discussion.[3] First, appellant argues the military judge abused his discretion when he denied the defense motion to compel appointment of a false confession expert as an expert assistant and as an expert witness.

Next, appellant argues the military judge abused his discretion when he admitted testimony of a witness's prior consistent statements. Finally, appellant alleges the Article 134, UCMJ, specification of which he was convicted fails to state an offense because it does not allege the terminal element for a Clause 1 or Clause 2 violation. We disagree with appellant's first two assertions but agree that appellant's latter assertion necessitates the relief granted in our decretal paragraph.

United States v. Dougherty
United States Navy-Marine Corps Court of Criminal Appeals
December 31, 2013, Decided
NMCCA 201300060
Reporter
2013 CCA LEXIS 1072 *; 2013 WL 6858964

Overview

HOLDINGS: [1]-In a prosecution for sexual assault, it was reversible error to find that Mil. R. Evid. 403 prohibited testimony from a forensic psychologist that the servicemember had a suggestible personality that made it more likely for him to falsely confess in response to coercive interrogation tactics; it was not necessary for the servicemember to put on evidence that his confession was actually false before he could challenge the credibility of his confession; [2]-Under Unif. Code Mil. Justice art. 10, 10 U.S.C.S. § 810, no speedy trial violation arose from a facially unreasonable delay because prejudice from the 371-day pretrial confinement was minimal, given that conditions were not harsh or oppressive, no evidence became unavailable, and the servicemember's legal team used the time to its advantage.

State v. Carlson
Supreme Court of Arizona
June 18, 2015, Filed
No. CR-12-0464-AP
Reporter
237 Ariz. 381 *; 351 P.3d 1079 **; 2015 Ariz. LEXIS 197 ***; 715 Ariz. Adv. Rep. 4
STATE OF ARIZONA, Appellee, v. MICHAEL JONATHON CARLSON, Appellant.

Overview

HOLDINGS: [1]-The trial court did not err in admitting defendant's incriminating statements to a television reporter as evidence of the two kidnapping counts because, under the corpus delicti rule, the State met its burden for both charges; blood and DNA evidence linked to the victims was found in his car; [2]-The exclusion of an expert's testimony did not violate defendant's right to present a defense; allowing the expert to testify that defendant said he falsely confessed would have put defendant's statements before the jury cloaked with the implication that the expert believed those statements and relied on them, while shielding defendant from the rigors of cross-examination; [3]-The use of defendant's kidnapping convictions as both aggravating factors under Ariz. Rev. Stat. § 13-751(F)(2) and predicate felonies for felony murder did not violate the federal or Arizona constitutions.

Outcome

Judgment affirmed.