Relevant Cases

All cases are rulings of the Midlands Supreme Court, the highest court in Midlands, unless otherwise specified.

Mens Rea & Actus Reus

State v. Shapiro (1975)
Defendant charged with offense requiring a mental state of "knowingly" argued that the evidence was insufficient because there was no indication she desired or hoped for a particular result. Held: Conviction affirmed. Although a defendant who acted purposefully or who intended a particular result certainly acted knowingly, MPC 18-103 makes clear there is no such requirement.

State v. Bladow (2019)
Defendant argued that his conviction for aggravated arson MPC 18-402 was not supported by the manifest weight of the evidence and that the State had not offered sufficient evidence of an intent to cause physical harm to another person when he acted. Held: Conviction affirmed. The General Assembly conspicuously used the "knowingly" mens rea in MPC 18-402, not "purposeful" or language that mandates a specific intent to harm. Moreover, all that is needed for a conviction for aggravated arson is "to create a substantial risk of serious physical harm to any person other than the offender." While actual harm is sufficient to satisfy MPC 18-402, it is not a necessary element if a substantial risk of serious physical harm is present.

State v. Baker (2000)
As used in MPC 18-402, "substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

State v. Abress (2003)
Under MPC 18-402, "serious physical harm to any person" means any injury, illness, or other physiological impairment, regardless of its gravity or duration, that carries a substantial risk of death. "Substantial risk" was previously defined by this Court in *State v. Baker*.

State v. Knox (2018)
As used in MPC 18-402 and 18-403, "create" is synonymous with "cause." Accordingly, "create" has the same definition as "causation" pursuant to MPC 2-201.

State v. Egloff (1999)
As used in MPC 18-402 and 18-403, "physical harm" means to explode, burn, char, or otherwise destroy or cause damage to the interior structure of a building (e.g., the foundation, support beams, or other apparatus that hold the building up) via fire or explosion. Mere smoke damage or slight charring of a wall does not constitute arson or aggravated arson. Such actions are better charged as criminal damaging or vandalism as appropriate.

State v. Schoppman (2012)
As used in MPC 18-403, "defraud" means the act of knowingly obtaining some benefit for oneself or another by deception, or knowingly causing some detriment to another person or entity by deception.

State v. Lazzaro (2005)
Defendant charged with aggravated arson under MPC 18-402(A)(2) argued there was no evidence he knew physical harm to an occupied structure by means of fire was likely to result. Held: Conviction affirmed. The defendant's responsibility is not limited to the immediate or most obvious result of the defendant's act or failure to act. The defendant is also responsible for the natural and foreseeable results that follow in the ordinary course of events from the act or failure to act.

State v. Sanford (2018)
Defendant charged with aggravated arson under MPC 18-402(A)(1) for injuries suffered by a law enforcement officer responding to the scene. Held: Conviction reversed, and case remanded. The trial court failed to instruct the jury on what MPC 18-401(B) means by "any emergency personnel who are acting in the course of fighting or investigating the fire." Here the law enforcement officer was off duty when she entered the dwelling to save the occupants. As she was not acting within the scope of her job as emergency personnel when she entered the dwelling, the jury should have been instructed to consider that fact in deciding whether MPC 18-401(B) was satisfied.

State v. Weinman (2020)
The General Assembly failed to define "in the course of fighting or investigating the fire" in MPC 18-401. Applying the standard practices of statutory interpretation to the phrase leaves us with only one conclusion: MPC 18-402(A)(1) only applies to emergency personnel arriving on the scene if the personnel are acting within the scope of their employment. Deviations from standard operating procedure presents an opportunity for a defendant to argue that the emergency personnel were not acting within the scope of their employment, and thus not the class of victim contemplated by the General Assembly when drafting MPC 18-401(B). If a defendant elects to take on this argument, it must be proven by a preponderance of the evidence. Moreover, even if proven, acting outside the scope of employment is not an absolute defense, and, therefore, may only result in disproving the aggravating factor necessary for aggravated arson.

State v. Ullrich (2021)
Expanding upon our decision in *State v. Weinman* (2020), we hold that "emergency personnel" are within the scope of their employment if they act in substantial compliance with the applicable professional code of conduct, rules, or standard operating procedure. While certainly braver than the average citizen, they are still human; thus, emergency personnel shall not be held to the impossible standard of strict compliance with all applicable professional code of conduct, rules, or standard operating procedure while they are dealing with emergency situations.

State v. French (2015)
Defendant convicted of arson under MPC 18-403(A)(2) argued that the conviction should be overturned because he did not own the property in question because there was a lien on the property. Conviction affirmed. MPC 18-403(A)(2) is conspicuous in its language that the property may be the property of the offender or another. Defendant's argument is not well taken and is overruled.

State v. CLAM Rental Properties, Inc. (2021)
With respect to Midlands Penal Code 18-403(A), the element "intent to defraud" does not require the government to prove fraud occurred. A specific intent crime need not result in success of the crime, but merely that the defendant had the intent to commit the wrongful act. In this case, overwhelming evidence existed that the property manager set fire to her rental properties and then filed a claim for an insurance policy payout. Even though the claim was denied, the evidence was sufficient to prove the "intent to defraud" element in 18-403(A).

Burden of Proof / Presumption of Innocence

State v. Bainbridge (1904)
In a criminal case, the burden is proof beyond a reasonable doubt with respect to each and every element of the charged offense(s). The burden is on the State and never shifts to the defendant.

State v. Thompson (1981)
The State's burden of proof applies to elements, not discrete facts. The question in every case is whether cumulative impact of the otherwise-admissible evidence is sufficient to convince the fact finder beyond a reasonable doubt that the element has been proven.

State v. Ball (2015)
A criminal defendant is never required to present evidence or offer an alternative theory of the crime. If a defendant does so, however, a prosecutor may note the defense's failure to offer evidence in support of its theory of the case. Such comments do not imply that the burden of proof has shifted to the defense, nor do they necessarily constitute an infringement on a defendant's exercise of the right to remain silent.

State v. Arun (2016)
Criminal defendants have a constitutionally protected right to refuse to speak with police officers and to decline to testify in their own defense. No prosecutor or witness may comment (expressly or implicitly) on a defendant's exercise of either right or suggest that refusal to testify or termination of a police interrogation demonstrates consciousness of guilt.

State v. Homel (2010)
It is axiomatic that identification of the defendant is an essential element of the charge in a criminal trial. Whether or not the statute explicitly requires identification as an element of the offense is a nonstarter. Common law tradition requires the identification of the defendant to assure that the government has not charged the wrong person. Identification is a necessary function to aid the government in its attempt to overcome the presumption of innocence that is afforded every criminal defendant.

Trial Procedures

State v. Friedman (2007)
In Midlands, all criminal trials are bifurcated with a guilt phase followed by a penalty phase.

State v. Johnson (2009)
During the guilt phase, evidence is not relevant if it is directed solely to the penalty to be given to the defendant if found guilty. It also is improper for an attorney to comment on sentencing or discuss potential penalties during the guilt phase of the trial. Such conduct is grounds for a mistrial and may constitute conduct for which sanctions are appropriate.

State v. Chintakayala (2002)
Under Midlands practice, both sides may always present evidence to prove or rebut any element of a charged offense. Neither side may object to such evidence on the ground that the objecting party is no longer pursuing (or challenging) the pertinent issue.

State v. Joseph (1945)
Unlike some jurisdictions, MRE 615 allows for the sequestration of the lead investigating officer in a criminal case if that police officer is not elected to be the State's representative during pretrial matters.

Kwon v. Mabry (2014)
Civil case arising from alleged assault. The plaintiff was called as a witness and testified fully on direct examination. On cross examination, however, the plaintiff failed to respond to some questions, purportedly because of a condition arising from the assault. Held: The judgment for the plaintiff must be reversed. The reason why the witness failed to respond to questions on cross examination is immaterial. If a witness becomes unable or unwilling to respond to otherwise proper questions on cross examination, the trial court must strike the witness's testimony in its entirety.

Character Evidence

State v. Gaul (1986)
Under MRE 404, general evidence of a defendant's good character is not admissible. However, under MRE 404(a)(1), a criminal defendant may offer certain evidence of a "pertinent" character trait. The requirement that evidence be "pertinent" significantly exceeds the comparably low bar of relevancy. "Pertinence" is a more exacting standard by which the trait itself must directly relate to a particular element or facet of the crime charged.

State v. Ward (2013)
Given the complex nature of the arson sections of the Midlands Penal Code, the courts have been split on what constitutes a "pertinent trait" under MRE 404 and *State v. Gaul* in arson cases. Accordingly, while this list is not exhaustive and every arson case has different elements and motives, we find that character traits pertinent to arson cases to include being law-abiding, non-violent, and a community caretaker.

State v. Threadgill (2016)
Appellants challenge the decision of the district court to allow testimony by the State's witness rebutting properly noticed "good character" evidence from the defense under MRE 404(a) during the State's case-in-chief. Due to the lack of rebuttal witnesses in the State of Midlands, our rules differ from other jurisdictions, particularly with respect to the presentation of character evidence. We hold that the language of MRE 404(a) is clear, that if the defense "opens the door, by noting its intention before trial to offer "good character" evidence, the State may use its case in chief to offer "bad character" evidence of the defendant regarding the same traits enumerated by the defendant, pursuant to the procedures outlined in MRE 405.

State v. Murray (2010)
MRE 609 does not categorically exclude evidence of a witness's prior criminal conviction punishable by less than one year of imprisonment, especially when the offense was a crime of moral turpitude like fraud, theft, or other crimes of dishonesty. Such evidence may still be admissible, subject to the MRE, on a case-by-case basis.

State v. Smith (2010)
In accordance with this Court's reasoning and holding in the civil action of *Estate of Hamilton v. Walton* last year, this Court hereby adopts the same reasoning and holding for criminal actions as well. Testimony about a psychological condition does not constitute "[e]vidence of a person's character or character trait," the only evidence excluded by MRE 404(a)(1).

Grounds and Basis for Evidentiary Rulings

State v. Harper (1975)
The beyond-a-reasonable-doubt burden does not apply to threshold matters involving the admissibility of evidence. In Midlands, the proponent of evidence need only prove these evidentiary matters by a preponderance of the evidence (i.e., it must establish that all elements are more likely than not true).

Demsky v. Jacoby (2012)
Under MRE 104(a), when evaluating the admissibility of evidence, a trial court is permitted to rely on both admissible and inadmissible evidence. The use of underlying inadmissible evidence does not make that inadmissible evidence admissible. Instead, the court is permitted to consider the underlying inadmissible evidence to assess the admissibility of the offered evidence. In a jury trial, the jury may not always be privy to the underlying facts used to determine what evidence is admissible, but the Court may hear it. Previously upheld examples included using character evidence to make ruling on hearsay exceptions, using hearsay to make a ruling on character evidence, and using hearsay to decide whether an expert has adequate foundation to testify.

Somani v. Young (1998)
Under MRE 104(a), courts may consider custodial documents, such as clerks' certifications or affidavits of records keepers, when determining the admissibility of other evidence without regard for the admissibility of the custodial document itself. The custodial document typically only addresses preliminary matters of admissibility and is not entered into evidence.

State v. Geasey (2021)
This case was taken to settle a circuit split that has arisen in Midlands regarding the applicability of MRE 411 in criminal cases. The committee notes for MRE 411 are focused on tort law and avoiding the improper use of a property owner's insurance coverage to prove negligence or recklessness claims. While the wording of MRE 411 and the committee notes do not bar the use of the rule in criminal trials, we hold that MRE 411 does not preclude evidence that the defendant owned an insurance policy or evidence that the policy included a payout for loss of property. Such evidence is admissible as proof of motive. MRE 411's language would prohibit the government from drawing an impermissible nexus between mere ownership of an insurance policy and an assertion that the defendant must have committed the offense(s) charged.

Authentication

Gaskins v. Azari (2002)
As long as the proponent of the statement produces evidence that would permit a reasonable jury to find, by a preponderance of the evidence, that a given person made a particular statement, a court assessing admissibility must assume that the statement was made by that person.

Ginger v. Heisman (2015)
Absent particularized reason to believe that the communication may have been sent by someone else, the fact that an electronic communication (an email, text, or social media post) is listed as coming from a number or account that is either known or purports to belong to a particular person is sufficient foundation that the communication was sent by the person.

Experts

Davis v. Adams (1993)
Trial judges must ensure that any scientific testimony or evidence admitted is not only relevant but reliable. In determining reliability, judges should consider only the methods employed and the data relied upon, not the conclusions themselves. The proponent of the evidence has the burden of proving each section of MRE 702 by a preponderance of the evidence.

Tarot Readers Association of Midlands v. Merrell Dow (1994)
In assessing reliability under MRE 702(c), judges should consider whether the theory or technique has been or can be tested, whether it has been subjected to peer review and publication, whether it has a known error rate, and whether it has gained widespread acceptance within the field. These factors, while relevant, are not necessarily dispositive. For example, lack of publication does not automatically foreclose admission; sometimes well-grounded but innovative theories will not have been published. There is no definitive checklist. Judges must make such assessments based on the totality of the circumstances.

Richards v. Mississippi BBQ (1997)
Midlands Rule of Evidence 703 does not permit experts to testify or present a chart in a manner that simply summarizes inadmissible hearsay without first relating that hearsay to some specialized knowledge on the expert's part. The court must distinguish experts relying on otherwise inadmissible hearsay to form scientific conclusions from conduits who merely repeat what they are told. The testimony of the former is admissible; that of the latter is not. Of course, statements that would otherwise be admissible are not inadmissible simply because they are offered by or through an expert witness.

State v. Richardson (2017)
It was not an abuse of discretion for the trial court to allow the forensic pathologist to testify to the cause and manner of death even though the pathologist was not tendered as an expert prior to providing her testimony. Unlike other jurisdictions, Midlands does not require a party to "tender an expert" before eliciting an expert opinion. Whether MRE 702 foundational requirements have been satisfied is an evidentiary determination that rests within the sound discretion of the trial court.

Kane Software Co. v. Mars Investigations (1995)
Midlands does not permit parties to use their experts as weapons in a trial by ambush or for unfair surprise. Expert reports that are exchanged prior to trial must contain a complete statement of all opinions the expert will testify to and the basis and reasons for them, the facts or data considered by the expert in forming their opinions, and the expert's qualifications. Experts are strictly prohibited from testifying on direct or redirect examination about any opinions or conclusions not stated in their report, and such testimony must be excluded upon a timely objection from opposing counsel. For example, an expert may not testify on direct or redirect examination that they formed a conclusion based on evidence that came out during trial that the expert did not previously review. However, if an expert is asked during cross-examination about matters not contained in their report, the expert may freely answer the question as long as the answer is responsive.

State v. Dawson (2012)
The historical practice of all Midlands circuit court criminal divisions has been proven to be consistent with the holding of *Kane Software Co. v. Mars Investigations* (1995) for criminal trials. We interpret the Midlands Rules of Criminal Procedure to be consistent with *Kane* as well. Thus, there can be no doubt that our holding in *Kane* applies to criminal trials.

State v. Berzon and Jensen (2020)
Appellant-Defendants appeal their conviction. Specifically, Appellants argue that the trial court improperly excluded testimony from the defense expert on the basis that certain testimony amounted to "trial by ambush" under the precedent set by *Kane Software v. Mars Investigations* (1995) and *State v. Dawson* (2012). Appellants admit that the defense expert was attempting to testify to certain underlying facts that were not expressly disclosed in the expert report and that such facts contributed to the expert's conclusion, but they argue that the conclusion itself was disclosed and thus it was unnecessary for every underlying detail to be disclosed. We believe that the Appellants' argument has merit. Experts should not be expected to include in their reports every basic scientific fact and known realities that support their conclusion. Such a requirement would lead to expert reports that are hundreds, if not thousands, of pages long. For example, an accident reconstructionist need not explain Newton's laws of motion in her report. However, if an expert wishes to testify that they believe the indentations on a vehicle's door means that the vehicle collided with a streetlamp at 45 MPH, then measurements, equations, and other relevant facts that form the basis for that specific conclusion must be disclosed in the expert's report. Reversed and remanded to the trial court for reconsideration consistent with this decision.

Hearsay

America's Best Cookie v. International House of Waffles (2009)
The Court recognizes that practices differ in other jurisdictions. But, in Midlands, the definition of "hearsay" includes out-of-court statements by a witness who is on the stand or by another person who has or will be testifying in a particular trial.

State v. Hsi (1997)
MRE 801(d)(2) may be invoked in only one direction in a criminal case. Specifically, MRE 801(d)(2) permits the State to offer statements by a criminal defendant. Subject to MRE 106, MRE 801(d)(2) does not permit the defense to offer the defendant's own statements, even if the State has already elicited other out-of-court statements by a defendant during a preceding examination.

Branham v. Chancellor (2015)
For purposes of MRE 801(d)(2), police officers, prosecutors, informants, and others working with law enforcement officials are not an "opposing party" of a criminal defendant.

State v. Al Ekri (2012)
The business-records hearsay exception (MRE 803(6)) cannot be used to "back door" evidence that would not be admissible in a criminal case under the public-records hearsay exception of MRE 803(8)(ii).

State v. Orr (2015)
A public record of a criminal conviction is not a police report and, thus, is not excluded by MRE 803(8)(A)(ii).

State v. Brew (1985)
MRE 801(d)(2) governs statements "offered against an opposing party." This rule does not require the proponent of the evidence to offer the statement "against the party's interests" in order to qualify as an exemption to hearsay under MRE 801(d)(2)—that language is notably only found in MRE 804(b)(3). If the drafters of the MRE had wanted 801(d)(2) to only apply if the statement was "against the party's interest," it would have drafted the rule as such.