

SUMMARY STATEMENT

State v. Kent Glen Williams

Docket No. 44300

Kent Glen Williams was charged with and convicted of two counts of bank robbery, one count of use of a firearm in the commission of one robbery, and one count of unlawful possession of a firearm. Before trial, Williams filed a motion to sever the robbery charges, to have hybrid representation, to be unshackled during his pretrial proceedings, to be free of shackles during trial while proceeding pro se, and to suppress all evidence obtained from Williams' detention and from his hotel room. The district court denied all of Williams' motions.

On appeal, Williams raised six issues: (1) that the district court abused its discretion by denying Williams' motion to sever the two robbery charges; (2) that the prosecutor committed misconduct in closing argument amounting to fundamental error; (3) that the district court deprived Williams of his state constitutional right to hybrid representation; (4) that the district court deprived Williams of his Fifth and Fourteenth Amendment rights to a fair trial and to be free from excessive restraints during pretrial proceedings; (5) that the district court deprived Williams of his Sixth Amendment right to self-representation; and (6) that the district court erred in denying Williams' motions to suppress the evidence obtained from Williams' detention and from his hotel room.

The Court of Appeals held that the district court did not err in denying Williams' motion to sever and motions to suppress, that the prosecutor did not commit misconduct in his closing argument amounting to fundamental error, that Williams' state constitutional right to counsel and statutory right to be free from excessive restraints were not violated nor were his Fifth, Sixth, and Fourteenth Amendment United States constitutional rights to a fair trial, to counsel, and to self-representation. The Court's reasoning and conclusion as to each issue is summarized below.

Joinder of offenses is permissible if the charged offenses are based on the same act or transaction or on multiple acts or transactions that are connected or constitute a common scheme or plan and no prejudice will result in joinder. Since there was sufficient evidence, comprising of fourteen commonalities, to show a common scheme or plan and the evidence would be admissible if the cases were severed to prove identity, there would be little to no prejudicial effect in joining the charges.

To constitute fundamental error, the statements made by the prosecutor made during closing argument must so infect the trial with unfairness as to result in a denial of due process. Though the statements made in closing argument may have been improper, given the context of the prosecutor's statements, no misconduct occurred during the State's closing argument, much less any constitutional violation amounting to fundamental error.

The Idaho Constitution guarantees an indigent criminal defendant the same right to appointed counsel as the Sixth Amendment to the United States Constitution. When a defendant waives this right and elects to represent himself, any request for hybrid representation is a discretionary decision for the district court.

The United States and the Idaho Supreme Court prohibit the use of visible physical restraints absent a determination of necessity. However, neither Court has extended this prohibition to pretrial proceedings. Further, the district court's rulings that the restraints were necessary during pretrial proceedings and that the restraints did not infringe on Williams' constitutional and statutory rights were proper exercises of the court's discretion.

A defendant has a constitutional right to self-represent, however that right is not absolute. A district court may, within its discretion and based on a finding of necessity, require a pro se defendant to wear restraints during trial. Since the record supports the district court's determination that restraints were necessary for Williams during trial, Williams was not deprived of his right to self-represent.

Officers may detain a person for a limited purpose if the officers have reasonable suspicion that the person has committed a crime. Based on the similarities of the robberies to which Williams was charged, and the discovery of evidence tying the robberies together, the officer had reasonable suspicion to make an investigatory stop of Williams. In making an investigatory stop, officers must use the least intrusive means reasonable available to verify or dispel such suspicions; however, the scope of the detention varies based on the particular facts and circumstances of each case. Williams was suspected of committing three robberies and was described as being armed and dangerous. Therefore it was reasonable to place Williams in handcuffs. Once the officers noticed the identifying bump on the backside of Williams' left hand, probable cause developed to justify Williams' arrest and subsequent search incident to his arrest.

A search warrant requires probable cause that there is a fair probability that contraband or evidence of a crime will be found in a particular place. This includes a showing that the evidence probably connected with criminal activity and that the evidence being sought can currently be found at a specific place, as well as a showing that there is a nexus not only between the criminal activity and the item to be seized, but also a nexus between the item to be seized and the place to be searched. There were sufficient facts that all three robberies were committed by the same person, that the robberies were committed by Williams, that Williams was the sole occupant of the hotel room, and that the hotel room contained evidence of the robberies.