

## 2012 Statewide High School Mock Trial Tournament Materials

### Related Cases

#### ***People v. Yazum***

13 NY2d 302 (1963)

[**Editor's note:** *In the mock trial case, the prosecution is suggesting that the defendant, having listened repeatedly to a violence-laced rap song both before and after the alleged attack, is evidence of the defendant's consciousness of guilt.*] In *Yazum*, the court held that "... any circumstantial evidence, to be sufficient in itself to sustain a conviction, must be inconsistent with all reasonable hypotheses of innocence (*citations omitted*). But the admissibility of each piece of circumstantial evidence is subject to no such rule. Generally speaking, all that is necessary is that the evidence have relevance, that it tend to convince that the fact sought to be established is so. That it is equivocal or that it is consistent with suppositions other than guilt does not render it inadmissible."

#### ***People v. Leyra***

1 NY2d 199 (1956)

The defendant was convicted of killing his parents, based largely on what the appellate court felt was a confession coerced from the defendant by a psychiatrist and on purely circumstantial evidence. Regarding the circumstantial evidence, the court, referencing well-settled principles applicable to such evidence, held that "... its sufficiency depends upon 'whether the proof points logically to defendant's guilt and excludes to a moral certainty every other reasonable hypothesis (*citation omitted*). Moreover, 'the facts from which the inferences are to be drawn must be established by direct proof; the inferences may not be based upon conjecture, supposition, suggestion, speculation or upon other inferences (*citation omitted*).'" The appellate court, in reversing the conviction, went on to say that "... (i)n many cases in which convictions have been upheld, the evidence indicating a consciousness of guilt has bolstered other circumstances which in and of themselves strongly pointed to the defendant's guilt (*citation omitted*).'" Finally, the court noted "... that the inference of the consciousness of guilt, though one of the simplest in human experience, may easily be pushed too far (*citation omitted*)."

#### ***People v. Price***

135 AD2d 750 (1987)

The appellate court affirmed the defendant's 1<sup>st</sup> degree robbery, 2<sup>nd</sup> degree robbery and 3<sup>rd</sup> degree grand larceny convictions. However, the court ruled that when the prosecution has offered evidence tending to establish a defendant's consciousness of guilt, the defendant may explain his behavior and is entitled to any explanation consistent with his innocence.

***People v. Cosby***  
200 AD2d 682 (1994)

The defendant allegedly killed his landlord with a wrench. During the 3-week period prior to the discovery of the body hidden by the defendant, he repeatedly lied to the deceased's family about her whereabouts and about things missing from the deceased's room. The court held that evidence of the defendant's post-altercation behavior, while of limited probative value, constituted circumstantial evidence of his consciousness of guilt.

***People v. Drake***  
19 AD3d 209 (2005)

The defendant was found guilty of assault in the 1<sup>st</sup> degree and criminal possession of a weapon in the 3<sup>rd</sup> degree. The court, concluding that the verdict was not against the weight of the evidence, held that "(i)ssues of identification and credibility were properly considered (by the trier of fact) and there is no basis for disturbing its determinations. The eyewitness testimony identifying defendant was corroborated by other proof, including evidence of defendant's actions and statement evincing a consciousness of guilt."

***People v. Saunders***  
292 AD2d 780 (2002)

The defendant was convicted of assault in the second degree. He contends that the trial court should have allowed the jury to consider the lesser-included offense of assault in the third degree. The people presented credible evidence that the defendant struck blows to the victim's head using a tire iron, which caused open wounds that required stitches. The court held that the tire iron was "... readily capable of causing ... serious physical injury" and thus under the circumstances in which it was used constituted a dangerous instrument (*citation omitted*). Therefore, no reasonable view of the evidence would support the view that the defendant committed the lesser offense, but not the greater offense.

***People v. Beaton***  
152 AD2d 992 (1989)

The court held that "(e)vidence that two victims of defendant's assaults with a metal wrench sustained cuts to the head requiring stitches and were in pain for a few days after the incident ... constituted legally sufficient evidence of 'physical injury' ..." under the Penal Law (*citation omitted*).

***Matter of Kurt EE***  
199 AD2d 945 (1993)

The victim sustained a cut to his finger while trying to wrest a knife from the defendant. Said victim did not require medical attention, but was in pain for approximately one week. The court held that the evidence was "... insufficient to establish a physical injury within the meaning of (the) Penal Law ... which defines physical injury as 'impairment of physical condition or substantial pain' (*citation omitted*)."