

SUPREME COURT OF LOUISIANA

No. 99-K-3342

STATE OF LOUISIANA

Versus

CHARLES JAMES MITCHELL, III

LEMMON, J., Concurring

This case raises concerns about the interrelationship between the sufficiency of the evidence standard in Jackson v. Virginia, 443 U.S. 307 (1979), and the circumstantial evidence rule in La. Rev. Stat. 15:438. However, any dichotomy between these two standards is unnecessary and may be confusing. State v. Chism, 436 So. 2d 464 (La. 1983)(Blanche, J., Concurring). The Jackson standard is constitutionally required by the Due Process Clause of the Fourteenth Amendment, while La. Rev. Stat. 15:438 is a statutory (not constitutional) standard of evidence that forms part of the inquiry by the finder of fact in assessing the evidence in a case where the evidence is circumstantial, in whole or in part.¹ Id.

In a case of circumstantial evidence, exclusion of every reasonable hypothesis of innocence is a component of the more comprehensive reasonable doubt standard. State v. Wright, 445 So. 2d 1198 (La. 1984). However, a single standard for appellate review, comporting with the sufficiency standard established in Jackson, is all that is constitutionally required. State v. Shapiro, 431 So. 2d 372 (La. 1982)(Lemmon, J.,

¹"Although the circumstantial evidence rule may not establish a stricter standard of review than the more general reasonable juror's reasonable doubt formula, it emphasizes the need for careful observance of the usual standard, and provides a helpful methodology for its implementation in cases which hinge on the evaluation of circumstantial evidence." State v. Chism, 436 So. 2d 464 (La. 1983)(citing Torcia, Wharton's Criminal Evidence §6 (13th ed. 1972)).

Concurring)(“Reasonable doubt must be excluded by the totality of the evidence in order for the trier of fact to convict and for the reviewing court to affirm a conviction. Hypotheses of innocence are merely methods for the trier of fact to determine the existence of a reasonable doubt arising from the evidence or lack of evidence.”).

In the present case, the overall evidence, both direct and circumstantial, (especially the evidence that the shooter told defendant he was going to shoot the gun when the fight started, that defendant gave the shooter the gun, that defendant told the shooter to give the gun back if he was not going to use it, and that defendant exhibited guilty knowledge by lying to the police about being in the car or knowing anything about the shooting) excludes the proffered hypotheses of innocence and was sufficient, viewed in the light most favorable to the prosecution, to convince a rational trier of fact beyond a reasonable doubt that defendant was a principal to the crime of attempted first degree murder.