

Circuit Court Opinion of the Month

A first-degree murder prosecution sets the stage for this month's featured circuit court opinion: defendant Geraldine Wilson is charged with open murder and felony firearm in the shooting death of her husband of 50 years. She claims that she shot her sleeping husband in self-defense following 48 hours of abuse and threats and a lifetime of battering, and seeks admission of expert testimony on battered spouse syndrome. Such testimony will be allowed at trial, according to Isabella County Circuit Judge Paul F. O'Connell, who recently issued a written ruling, People v Wilson, No. 90-5674-FH, 4-9-91.

On threshold matters, Judge O'Connell agreed with the prosecution that defendant must first lay the foundation that she is a battered woman. He disagreed, however, that she must now disclose the identity and qualifications of any expert witness, finding them not relevant to admissibility. On that issue, a review of cases from other jurisdictions revealed a wide spectrum of approaches and little common ground.

While no published Michigan opinion addresses admissibility of battered woman syndrome evidence, People v Beckley, 434 Mich 691 (1990) did evaluate the relationship between MRE 702, MRE 704 and other "syndrome" evidence. "Child sexual abuse syndrome," as displayed by an alleged victim, is potentially so prejudicial to a defendant that it must be "limited to a description of the uniqueness of a specific behavior brought out at trial," according to the Beckley Court. Judge O'Connell distinguished the two types of syndrome evidence, including the fundamental difference between "child sexual abuse syndrome" evidence introduced by the prosecution to connect a defendant to the crime, and "battered woman syndrome" evidence used by the defendant as part of a defense. For the latter, the danger of unfair prejudice is lessened. In addition, there appears to be more "substantial scientific acceptance" of the latter, given its acceptance by other courts and the Michigan Supreme Court's apparent distrust of the child abuse syndrome. Overall, the prosecution failed to show particular prejudice, other than its concern that the jury may actually evaluate the testimony, and also failed to show that the testimony would not assist the jury under MRE 702.

Judge O'Connell summarized his ruling as follows:

"... when self defense is pled as the defense to a homicide charge and the defendant offers evidence which establishes that she is a 'battered spouse,' an expert qualified in the battered spouse syndrome may testify: (1) to a description of the general syndrome; (2) that the particular behavior of the spouse was characteristic of battered spouse syndrome victims generally; (3) whether the defendant suffers from the syndrome; and (4) whether the defendant's act was the result of the syndrome. The expert may not testify that the allegations of battering are in fact truthful or not. Issues of credibility are for the jury."

Congratulations to defense counsel Daniel R. O'Neil of Mt. Pleasant. He advises that the prosecution has filed an interlocutory appeal, and that the Michigan Court of Appeals granted leave to appeal on June 19, 1991. Copies of the trial court's opinion are available upon request from the Legal Resources Project.