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**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

QUAYSEAN TIKII WILLIAMS,)

NOT FOR PUBLICATION

Appellant,)

v.)

Case No. F-2021-965

THE STATE OF OKLAHOMA,)

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

Appellee.)

AUG - 3 2023

OPINION

JOHN D. HADDEN
CLERK

LEWIS, JUDGE:

Quaysean Tikii Williams, Appellant, was tried by jury and found guilty of Count 1, first degree murder, in violation of 21 O.S.2011, § 701.7; and Count 2, conspiracy to commit a felony (robbery with a dangerous weapon), in violation of 21 O.S.2011, § 421, in the District Court of Oklahoma County, Case No. CF-2020-67. The jury assessed punishment at life without parole in Count 1 and life imprisonment in Count 2. The Honorable Richard Kirby, Associate District Judge, pronounced judgment and ordered the sentences served consecutively.¹

¹ Appellant is ineligible for consideration for parole in Count 1, and must serve 85% of the consecutive sentence in Count 2 before he is eligible for consideration for parole. 21 O.S.Supp.2015, § 13.1(8).

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FACTS

On December 17, 2019, Golda Ross and Rudolpho "R.J." James and their young child were victims of a home invasion and attempted robbery in their Oklahoma City home, near N.W. 198th & Rondo. Around 10:40 p.m., two masked intruders armed with pistols burst through the back door and repeatedly demanded money. The victims said they had no money, and none was taken.

During the confrontation in the victims' bedroom, where their child was also sleeping on the bed, the shorter man stood on Rudolpho's side of the bed and pointed a gun at him. The taller one stood on Golda's side of the bed and pointed a gun at her. The short man yanked a blanket from the bed, causing R.J. and the baby to fall to the floor.

R.J. kept a loaded .40 caliber pistol under the bed, but was apparently unable to get it. One of the men told Golda to look the other way, and she heard a pop that made her ears ring. The intruders fled the home within a few minutes. Golda quickly realized R.J. was badly injured, and twice called 911 to report the attack. A subsequent autopsy showed R.J. was killed by a gunshot wound to the chest.

R.J. sometimes dealt large quantities of marijuana, which he had stashed in the residence in the past. In 2018 and 2019, Khala Lewis was involved in his drug operation. She was also romantically involved with R.J. Golda became aware of this relationship, but the three remained friends. The affair ended in the summer of 2019. By then, Khala Lewis was romantically involved with Appellant Quaysean Williams, and had his baby.

Khala Lewis and Appellant were living together in Oklahoma City on N.W. 104th Terrace when R.J. was murdered. Though Golda Ross had never met Appellant or known him to be at her home, Khala Lewis had been there within the last month or so, in October or November 2019. Khala Lewis knew about the security cameras at their residence; and was the only other person besides them who knew that marijuana was sometimes stashed under the master bathroom sink.

Golda later described one of the gunmen as about 5'5", the other 5'9." The shorter one wore a hoodie, pants, gloves, and bandana, all black. During the robbery, when this man's hood momentarily slipped off, Golda saw he had dreadlocks. The taller man also wore black, except for a green bandana. A subsequent autopsy showed the

robbers had killed R.J. with a single gunshot wound to the chest. Investigators recovered two projectiles, some bullet fragments, and two shell casings at the scene.

The robbers passed up the chance to take other valuables from the home, including a Mercedes for which the keys were available, expensive clothing, shoes, and bags (Nike, Yeezy, Louis Vuitton). The only place the robbers apparently disturbed was the cabinet under the sink in the master bathroom, where R.J. sometimes stored large quantities of marijuana. The door of that cabinet was open, and a cardboard box inside that cabinet was also open and had been rifled through.

Golda later realized the short man's dreadlocked hair and stature reminded her of Khala Lewis's baby's daddy, meaning Appellant, Quaysean Williams. She also recalled that after the shooting, one of the robbers had run toward the bedroom door that opened onto the rest of house, then doubled back and left through the back door. Police later confirmed that the security cameras in front of the house had captured no activity throughout the robbery.

Golda later picked Appellant from a photo line-up as one of the two robbers, telling investigators at the time that her identifica

was tentative. She later explained that she had been uncertain at the time “what I wanted to do” or “how I was going to handle anything at that moment.” At trial, she positively identified Appellant as one of the two men who had robbed them and fatally shot R.J.

Golda also told police that Khala Lewis had bought a new vehicle not long before the murder. Police determined the vehicle was a white Chevy Malibu. Police obtained a report of GPS location data for the car that the dealership maintained for repossession purposes. The GPS data showed that at 10:32 p.m., just minutes before the robbery, that vehicle had stopped at 2372 Northwest 198th Street, a few houses down from Golda’s and R.J.’s residence. The car was back at Appellant’s residence at 11:00 p.m.

Police also recovered an unsigned “Domestic Partnership Agreement” in the home, prepared for signatures by R.J. and Khala Lewis. Khala Lewis was going to add R.J. to her insurance, but seemed to be avoiding plans to meet with Golda to sign the document. But before 5:00 a.m. on December 18, 2019, a few hours *after* the murder, Khala Lewis texted Golda and said that she would come by later to sign the agreement. A little later, Khala Lewis then forwarded Golda a news story about the shooting and asked, “was that [Golda’s]

house, I'm so sorry," "was I okay," and "things like that." Considering what happened, Golda became suspicious about the timing and content of the texts.

The State also presented evidence that around 11:29 p.m., a police helicopter's infrared, heat-sensitive camera captured a faint thermal signature on the pavement—typical of a recently parked car—as it passed over 2372 N.W. 198th Street, almost the exact location of the Malibu's reported GPS location at 10:32 p.m., just a few houses east of the victims' residence.

From an earlier GPS-indicated stop of the Malibu around 10:12 p.m. near 2100 W. Hefner, police requested security camera footage from a convenience store on the southwest corner of the intersection. Store cameras showed a black male, clad entirely in black and a hooded shirt, offer cash payment to the clerk at 10:10 p.m. Thirteen seconds later, the man walked out toward a parked white car, which had not been there at 10:09 p.m. and was gone by 10:13 p.m. Golda Ross viewed the video and later testified that this man "looks like the defendant in the clothes that—the defendant that came into my house . . . the shorter one."

Appellant was arrested by warrant on December 20, 2019. He agreed to questioning after a *Miranda* warning. He admitted he was the usual driver of the white Malibu. Confronted with evidence of its presence at the robbery murder, he said that he sometimes loaned it to other friends. He could not explain its presence at the crime scene, nor could he produce any witness to confirm that he was either at home, or on the east side of town, at the time in question. Appellant said, "if it [the car] was over there, I don't know anything about it."

Police searched Appellant's residence and recovered a .40 caliber handgun under the mattress of a bed, and three black hoodies in the master bedroom. One hoodie had a wide neckline like Golda described the shorter gunman wearing. In the Malibu, police found a pair of black gloves in the console. The pistol in Appellant's residence did not match the casings or bullets from the crime scene. Nine months after the murder, police seized another .40 caliber pistol during a traffic stop of Parrish Florence and others, which proved to be the murder weapon according to ballistics comparisons.

ANALYSIS

In Proposition One, Appellant argues that he was convicted of conspiracy upon legally insufficient evidence. We review the evidence

in the light most favorable to the State to determine whether any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *Spuehler v. State*, 1985 OK CR 132, ¶ 7, 709 P.2d 202, 203-204.

Appellant argues the State failed to present sufficient evidence of the essential element of an agreement between two or more people to commit a felony, in this case armed robbery. Conspiracies often arise in secret and must often be proven by circumstances, acts, or events from which the antecedent agreement may be reasonably inferred. *See Dill v. Rader*, 1978 OK 78, ¶ 7, 583 P.2d 496, 499.

The State argues that evidence of the interest of the robbers in the bathroom cabinet; the avoidance of security cameras in and around the front of the home by entering and exiting in back; Khala Lewis's knowledge of the cameras and the hiding place of possible marijuana; and Appellant's close relationship with Khala Lewis and use of her vehicle, that Appellant and Khala Lewis conspired to commit robbery. In the light most favorable to the State, the evidence presented at trial is sufficient to support the conviction. Proposition One is denied.

In Proposition Two, Appellant argues that the trial court's admission of State's Exhibit 40 under the business records exception to the hearsay rule violated his Sixth and Fourteenth Amendment rights to confront the witnesses against him.² Defense counsel objected in the trial court that the sponsoring witness was not a GPS expert and could not authenticate the challenged exhibit.

Counsel's failure to object on the hearsay and confrontation grounds asserted on appeal waived all but plain error. *See Hogan v. State*, 2006 OK CR 19, ¶ 38, 139 P.3d 907, 923. Appellant must now show a plain or obvious error in application of the business records exception affected the outcome of the trial; and that the resulting error seriously affected the fairness, integrity, or public reputation of the trial, or otherwise caused a miscarriage of justice. *Id.*

The State offered evidence that State's Exhibit 40 was a report of GPS location data kept and used in the ordinary course of an auto sales business in the repossession of vehicles in which it held a

² The State points out that Appellant's Proposition Two makes a confrontation claim, then offers an argument asserting a violation of the state hearsay rule; while Proposition Three argues the same exhibit was "inadmissible hearsay" resulting in "extensive testimony in violation of . . . [his] rights to a fair trial and to confront and cross examine adverse witnesses." As neither claim is properly preserved, we address them both under plain error review.

security interest. Assuming the contents of the exhibit were “statements” at all, the trial court’s finding that State’s Exhibit 40 was admissible as a business record is not plainly erroneous. 12 O.S. 2011, § 2803(6). Proposition Two is denied.

In Proposition Three, Appellant argues that testimony about State’s Exhibit 40 denied his constitutional right to confront the witnesses against him. Counsel’s failure to object on these grounds at trial resulted in waiver of all but plain or obvious confrontation error, as defined above.

We have already determined above that the admission of the exhibit as a business record was not plainly erroneous. Business records generally do not infringe the Confrontation Clause, because they are not “testimonial” in the sense required to trigger either a trial confrontation with the declarant, or a prior opportunity for cross-examination of the unavailable declarant. *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 321-22 (2009) (business records created for the administration of an entity’s affairs, and not for the primary purpose of establishing some fact at trial, are not testimonial).

The evidence here indicated that the primary purpose of data presented in State's Exhibit 40's was the location and recovery of vehicles in which an auto sales business retained a security interest. Under the limited purview of plain error review, Appellant has not established that the admission of this exhibit and related testimony plainly or obviously violated his right to confront witnesses against him. Proposition Three is therefore denied.

In Proposition Four, Appellant argues that a testifying detective harpooned him during cross-examination and denied him a fair trial. The alleged harpoon drew no contemporaneous objection at trial. Our review is for plain error, as defined above.

An evidentiary harpoon occurs when an experienced police officer makes a voluntary, willfully jabbed statement injecting other crimes, which is both calculated to prejudice, and is actually prejudicial to, the rights of the defendant. *Martinez v. State*, 2016 OK CR 3, ¶ 60, 371 P.3d 1100, 1115.

The alleged harpoon concerned whether Appellant had met the victim prior to the robbery murder. The detective's unexpected response was that he *had* developed some evidence of a prior meeting. After a recess to determine if counsel had been provided

discovery of this evidence, the detective testified that he misspoke when identifying the source of his information.

This testimony was not a plain or obvious evidentiary harpoon but arose from a misunderstanding about the testimony. Further testimony clarified the nature of the detective's statement. No evidence of other crimes was willfully injected; nor was the jury misled about any critical facts. Appellant has not shown that an evidentiary harpoon denied his right to a fair trial. Proposition Four is denied.

In Proposition Five, Appellant argues that the cumulative impact of errors denied him a fair and impartial trial. Where the Court finds no individual errors, there can be no cumulative prejudicial effects to assess. *Vance v. State*, 2022 OK CR 25, ¶¶ 25-26, 519 P.3d 526, 532-33. Proposition Five is denied.

DECISION

The judgment and sentence is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023), the **MANDATE** is **ORDERED** issued upon delivery and filing of this decision.

**APPEAL FROM THE DISTRICT COURT OF OKLAHOMA COUNTY
THE HONORABLE RICHARD W. KIRBY,
ASSOCIATE DISTRICT JUDGE**

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OPINION BY LEWIS, J.
ROWLAND, P.J.: Concur
HUDSON, V.P.J.: Concur
LUMPKIN, J.: Concur
MUSSEMAN, J: Concur

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