

SUPREME COURT OF KENTUCKY

Chapman v. Commonwealth

265 S.W.3d 156 (Ky. 2007) · No. 2005-SC-000070-MR · Decided April 21, 2008

SUMMARY

The Supreme Court of Kentucky reviewed Marco Allen Chapman's convictions and death sentence after he pleaded guilty and agreed to waive jury trial and sentencing in exchange for a death sentence. The court held that a competent defendant may enter such a plea agreement and volunteer for the death penalty. It rejected Chapman's challenges concerning the constitutionality and proportionality of the death penalty, competency, standby counsel, mitigation evidence, indictment requirements, and alleged plea negotiations.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Minton; Lambert; Cunningham; Minton; Noble; Schroder; Scott
JURISDICTION	Kentucky
DECIDED	April 21, 2008
DOCKET	2005-SC-000070-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic review of convictions and a death sentence imposed after Chapman pleaded guilty to capital offenses, waived jury trial and jury sentencing, and entered into a plea agreement seeking the death penalty.
STANDARD OF REVIEW	Unpreserved death-penalty claims were reviewed under Kentucky's substantial-justification and prejudice standard. Competency findings were reviewed for clear error and upheld if supported by substantial evidence. The trial court's acceptance or rejection of a plea agreement was reviewed for abuse of discretion. Proportionality review was conducted under KRS 532.075.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; binding Kentucky precedent.
PARTIES	Marco Allen Chapman v. Commonwealth of Kentucky

TOPICS

sentencing

plea bargaining

criminal procedure

right to counsel

due process

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Kentucky's death-penalty statute is constitutional.
2. Whether lethal injection and electrocution constitute cruel and unusual punishment.
3. Whether Kentucky's proportionality-review method is constitutional and whether Chapman was entitled to death-penalty data collected under KRS 532.075(6).
4. Whether Chapman's death sentence was excessive or disproportionate.
5. Whether residual doubt barred imposition of the death penalty.
6. Whether the indictment was constitutionally defective because it did not allege the aggravating circumstances supporting death eligibility.
7. Whether the trial court erred by appointing Chapman's recently terminated attorneys as standby counsel over his objection.
8. Whether the trial court erred by refusing to consider mitigation evidence tendered by standby counsel against Chapman's wishes.
9. Whether alleged plea negotiations between the Commonwealth's Attorney and Chapman while he was represented required reversal.
10. Whether a defendant seeking to plead guilty and receive the death penalty must satisfy a heightened competency standard.
11. Whether Chapman was competent under the applicable standard to plead guilty, waive jury sentencing and mitigation evidence, and seek death.
12. Whether the guilty plea lacked a sufficient factual basis because Chapman was not required personally to recite the facts.
13. Whether cumulative error required reversal.

HOLDINGS

1. A competent capital defendant may enter a plea agreement to plead guilty, waive a jury trial and jury sentencing, waive presentation of mitigating evidence, and seek the death penalty.
2. The competency standard in *Rees v. Peyton* applies when a defendant seeks to plead guilty, waive jury sentencing and mitigation evidence, and receive the death penalty.
3. A trial court is not required to accept a plea agreement calling for the death penalty and must make a case-specific determination that the agreement is legally permissible and appropriate.

4. The trial court did not violate Chapman's constitutional rights by appointing his recently terminated attorneys as standby counsel over his objection under the circumstances presented.
5. A competent defendant proceeding pro se may waive the presentation of mitigating evidence, and standby counsel may not override that decision.
6. The indictment was not constitutionally defective because it omitted the aggravating circumstances supporting death eligibility, so long as the Commonwealth satisfied the statutory notice requirement.
7. The guilty plea was not invalid merely because Chapman was not required personally to recite the factual basis for the offenses.
8. Kentucky's death-penalty statute and proportionality-review method are constitutional, and Chapman's death sentence was not excessive or disproportionate.

KEY QUOTATIONS

“Therefore, we hold that a competent criminal defendant is entitled to seek to plead guilty to a capital offense and, furthermore, to seek to receive the death penalty.” (176)

“No trial court, including the one in the case at hand, is obligated to sentence a defendant to death simply because that sentence is called for in the plea agreement.” (177-78)

“We agree that Rees is the standard of competency the trial courts of this Commonwealth must use when a defendant desires to plead guilty, waive jury sentencing and presentation of mitigation evidence, and asks the trial court to be sentenced to death.” (180)

FACTUAL BACKGROUND

In August 2002, Chapman entered Carolyn Marksberry's Gallatin County home, raped and stabbed her, and stabbed her three children; two children died and one survived. Chapman was apprehended in West Virginia and made statements describing the crimes and expressing a desire to die. During pretrial proceedings, he sought to discharge counsel, plead guilty to all charges, waive jury trial and sentencing, waive mitigation evidence, and receive the death penalty. After three competency evaluations, the circuit court found him competent and accepted the plea agreement.

PROCEDURAL HISTORY

Chapman was indicted in Gallatin County for two capital murders and related offenses. Venue was transferred to Boone County. After three competency evaluations and hearings, the circuit court found Chapman competent to dismiss appointed counsel, proceed pro se with standby counsel, plead guilty, waive jury sentencing and mitigation evidence, and seek the death penalty. The circuit court accepted the plea agreement, imposed death sentences for the two murders, and imposed additional terms for the remaining offenses. Chapman appealed under Kentucky's mandatory death-penalty review statute.

DISPOSITION

affirmed

CASES CITED

- Johnson v. Commonwealth, 103 S.W.3d 687 (Ky. 2003)
- Epperson v. Commonwealth, 197 S.W.3d 46 (Ky. 2006)
- Godinez v. Moran, 509 U.S. 389 (1993)
- Rees v. Peyton, 384 U.S. 312 (1966)
- Faretta v. California, 422 U.S. 806 (1975)
- McKaskle v. Wiggins, 465 U.S. 168 (1984)
- Soto v. Commonwealth, 139 S.W.3d 827 (Ky. 2004)
- St. Clair v. Commonwealth, 140 S.W.3d 510 (Ky. 2004)
- Abdul-Kabir v. Quarterman, 550 U.S. 233 (2007)
- Santobello v. New York, 404 U.S. 257 (1971)
- Thompson v. Commonwealth, 147 S.W.3d 22 (Ky. 2004)
- Wheeler v. Commonwealth, 121 S.W.3d 173 (Ky. 2003)