

SUPREME COURT OF NEW HAMPSHIRE

State v. Addison, 160 N.H. 732

7 A.3d 1225 (2010) · No. No. 2008-945 · Decided October 6, 2010

SUMMARY

The Supreme Court of New Hampshire addresses the standards and process for comparative proportionality review of a death sentence under RSA 630:5, XI(c). The court reviews the statutory and constitutional history of capital sentencing and explains the role of appellate review in preventing arbitrary or disproportionate death sentences.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Broderick, C.J.; Dalianis, J.; Duggan, J.; Hicks, J.; Conboy, J.
JURISDICTION	New Hampshire
DECIDED	October 6, 2010
DOCKET	No. 2008-945
DISPOSITION	other
PROCEDURAL POSTURE	The defendant's capital-murder conviction and sentence of death were before the Supreme Court of New Hampshire on direct appeal and mandatory death-sentence review. In this interlocutory standards opinion, the court addressed how it would conduct comparative proportionality review under RSA 630:5, XI(c), before reviewing the merits of the conviction and sentence.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The court independently determines the comparative proportionality question under RSA 630:5, XI(c), without assigning either party a traditional burden of proof.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	The State of New Hampshire v. Michael Addison

TOPICS

- appellate procedure
- sentencing
- statutory interpretation
- cruel and unusual punishment
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. What does RSA 630:5, XI(c)'s requirement that the court determine whether a death sentence is excessive or disproportionate to the penalty imposed in similar cases mean?
2. What procedural and substantive characteristics define the universe of similar cases for comparative proportionality review?
3. Should comparative proportionality review use a qualitative, precedent-seeking method, a quantitative statistical method, or both?
4. May the court consider published out-of-state opinions when New Hampshire has no or very few comparable post-Furman capital cases?
5. Does comparative proportionality review require a traditional burden of proof?

HOLDINGS

1. A death sentence is excessive or disproportionate when it is aberrant from, or substantially out of line with, a pattern of jury verdicts demonstrating that juries generally do not impose death in similar cases, considering both the crime and the defendant.
2. The universe of similar cases is limited to cases in which the defendant committed capital murder, a separate sentencing hearing occurred, the jury unanimously found predicate aggravating factors, and the penalty imposed was either death or life imprisonment without possibility of parole.
3. The court rejected both a universe encompassing all death-eligible cases and a universe limited exclusively to cases in which death was imposed; the proper universe is the death-and-life-imprisonment universe described by the court.
4. A comparison case must involve the same kind of capital murder as the case under review. The relevant substantive characteristics also include the aggravating factors found and mitigating factors considered.
5. The court adopted a qualitative, precedent-seeking method as the exclusive approach for comparative proportionality review under RSA 630:5, XI(c), rather than a quantitative or statistical method.
6. The court will review the entire record of the case under review and the published decisions in the similar-cases inventory, examining the nature and circumstances of the crime, aggravating factors, mitigating factors, and the defendant's character and background to determine whether a germane pattern of verdicts demonstrates disproportionality.
7. Neither party bears a traditional burden of proof in comparative proportionality review; the court must independently decide the legal question de novo.
8. Because this was New Hampshire's first post-Furman death sentence subject to comparative review, the court would consider published opinions from out-of-state cases to the extent that doing so would meaningfully assist the review; as New Hampshire's death-penalty jurisprudence develops, such consideration may become unnecessary.

KEY QUOTATIONS

“We hold that under RSA 630:5, XI(c) a death penalty is "excessive or disproportionate" if it is aberrant from, or substantially out of line with, a pattern of jury verdicts which demonstrate that juries generally do not impose death in similar cases.” (1245)

“We hold that, in keeping with the plain language of the statute and the fair import of its terms, the universe of "similar cases" is limited to those with the following procedural characteristics: the defendant committed the offense of capital murder; a separate sentencing hearing occurred; the jury found predicate aggravating factors; and the penalty imposed was either death or life imprisonment without possibility of parole.” (1247)

“We hold that the precedent-seeking approach for conducting comparative proportionality review is consistent with the plain language and fair import of RSA 630:5, XI(c).” (1253)

“Our role under 630:5, XI(c) is limited to determining whether the death sentence imposed upon the defendant is "excessive or disproportionate" as compared to "the penalty imposed in similar cases, considering both the crime and the defendant.”” (1255)

“Accordingly, in this case we will consider published opinions of out-of-state cases to the extent such comparison would be meaningful for performing comparative proportionality review under the framework set forth in this opinion.” (1259)

FACTUAL BACKGROUND

Michael Addison was convicted of capital murder for knowingly causing the death of a law enforcement officer acting in the line of duty. A jury conducted a separate capital-sentencing hearing, recommended a sentence of death, and the Superior Court imposed the recommended sentence. The opinion principally addressed the statutory framework for reviewing that sentence rather than the merits of Addison's guilt or the ultimate proportionality of his sentence.

PROCEDURAL HISTORY

A jury convicted Michael Addison of capital murder for killing a law enforcement officer acting in the line of duty. The jury recommended death on December 18, 2008, and the Superior Court imposed that sentence on December 22, 2008. The Supreme Court had previously issued an opinion addressing the procedure and schedule for the appeal, and in this opinion it construed RSA 630:5, XI(c) and established the standards for comparative proportionality review.

DISPOSITION

other

CASES CITED

- State v. Addison, 159 N.H. 87, 977 A.2d 520 (2009)
- Furman v. Georgia, 408 U.S. 238 (1972)
- Gregg v. Georgia, 428 U.S. 153 (1976)

- Proffitt v. Florida, 428 U.S. 242 (1976)
- Jurek v. Texas, 428 U.S. 262 (1976)
- Woodson v. North Carolina, 428 U.S. 280 (1976)
- Roberts v. Louisiana, 428 U.S. 325 (1976)
- Pulley v. Harris, 465 U.S. 37 (1984)
- McCleskey v. Kemp, 481 U.S. 279 (1987)
- State v. Kousounadis, 159 N.H. 413, 986 A.2d 603 (2009)
- Duquette v. Warden, N.H. State Prison, 154 N.H. 737, 919 A.2d 767 (2007)
- State v. Martineau, 112 N.H. 278, 293 A.2d 766 (1972)
- State v. Bland, 958 S.W.2d 651 (Tenn. 1997)
- State v. Webb, 238 Conn. 389, 680 A.2d 147 (1996)
- State v. Bacon, 337 N.C. 66, 446 S.E.2d 542 (1994)
- State v. Godsey, 60 S.W.3d 759 (Tenn. 2001)
- Tichnell v. State, 287 Md. 695, 415 A.2d 830 (1980)
- State v. Copeland, 278 S.C. 572, 300 S.E.2d 63 (1982)
- State v. Vickers, 159 Ariz. 532, 768 P.2d 1177 (1989)
- State v. Johnson, 134 N.H. 570, 595 A.2d 498 (1991)
- Parker v. Dugger, 498 U.S. 308 (1991)