

SUPREME COURT OF NEW MEXICO

State of New Mexico v. Michael Wilson

149 N.M. 273 (2010) (N.M. 2010) · No. No. 31,442 · Decided December 8, 2010

SUMMARY

The Supreme Court of New Mexico affirmed Michael Wilson's conviction for first-degree child abuse resulting in the death of a two-year-old foster child. The court held that the State presented sufficient independent evidence and corroboration under New Mexico's modified trustworthiness approach to the corpus delicti rule, and that expert testimony concerning suffocation was properly admitted. The court also rejected Wilson's Fifth and Fourteenth Amendment challenge to admission of his confession and found no cumulative error.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Bosson, Justice; Charles W. Daniels, Chief Justice; Patricio M. Serna, Justice; Petra Jimenez Maes, Justice; Edward L. Chavez, Justice
JURISDICTION	New Mexico
DECIDED	December 8, 2010
DOCKET	No. 31,442
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed directly from his jury conviction and sentence for first-degree child abuse resulting in death. He challenged the sufficiency of the corpus delicti evidence, admission of forensic-pathologist testimony, admission of his confession, and cumulative error.
STANDARD OF REVIEW	The corpus delicti issue was reviewed de novo as to undisputed facts, with deference to factual findings supported by substantial evidence when disputed facts were involved. Admission of expert testimony was reviewed for abuse of discretion. The voluntariness of the confession was reviewed de novo. Nonconstitutional harmless error was assessed under whether there was a reasonable probability that the error affected the verdict.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Mexico
PARTIES	Michael Wilson v. State of New Mexico

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the State sufficiently established the corpus delicti of homicide and child abuse through independent evidence and corroboration of Wilson's confession.
2. Whether the trial court abused its discretion under Rule 11-702 NMRA by admitting a forensic pathologist's opinion that Tyler's death was consistent with smothering.
3. Whether Wilson's February 7, 2007 statements were obtained in violation of Miranda and the Fifth and Fourteenth Amendments.
4. Whether Wilson's confession was involuntary under the Due Process Clause because of his mental-health conditions and recent hospitalization.
5. Whether cumulative error required reversal.

HOLDINGS

1. New Mexico applies a modified trustworthiness rule: a defendant's extrajudicial statements may be used to establish the corpus delicti when the State demonstrates the trustworthiness of the confession and introduces some independent evidence of a criminal act. The record satisfied that rule because the confession was sufficiently trustworthy and independent evidence supported death caused by a criminal act.
2. The trial court did not abuse its discretion by admitting the forensic pathologist's opinion that the child's cause of death was consistent with smothering.
3. Wilson's February 7, 2007 interview did not implicate Miranda because he was not in custody.
4. Wilson's confession was voluntary and its admission did not violate the Fifth or Fourteenth Amendments.
5. The cumulative-error doctrine did not apply because the court rejected Wilson's claims and found no error.

KEY QUOTATIONS

“Under New Mexico's modern approach, a defendant's extrajudicial statements may be used to establish the corpus delicti when the prosecution is able to demonstrate the trustworthiness of the confession and introduce some independent evidence of a criminal act.” (248 P.3d at 321)

“We affirm the trial court's ruling that the February 7, 2007 interview did not implicate Miranda.” (248 P.3d at 327)

“We accordingly reject Defendant's claims under the Fifth and Fourteenth Amendments to the United States Constitution.” (248 P.3d at 328)

FACTUAL BACKGROUND

Wilson was the foster parent of a two-year-old child, Tyler, who died after Wilson twice called 911 reporting that the child was not breathing. Tyler had been examined by a pediatric cardiologist one day before his death and was found to have normal respiratory and cardiovascular health. During a later police interview, Wilson confessed that he had held a blanket over Tyler's face and pressed on a pillow until Tyler stopped moving, then delayed calling 911. Medical and circumstantial evidence corroborated portions of the confession and supported death by suffocation rather than natural causes.

PROCEDURAL HISTORY

A jury convicted Wilson of one count of first-degree child abuse resulting in death. The district court sentenced him to life imprisonment plus four years as a habitual offender based on two prior felony convictions. The New Mexico Supreme Court exercised direct-appeal jurisdiction and affirmed the conviction.

DISPOSITION

affirmed

CASES CITED

- State v. Weissner, 2007-NMCA-015, 141 N.M. 93, 150 P.3d 1043
- State v. Sosa, 2000-NMSC-036, 129 N.M. 767, 14 P.3d 32
- State v. Paris, 76 N.M. 291, 414 P.2d 512 (1966)
- State v. Nance, 77 N.M. 39, 419 P.2d 242 (1966)
- State v. Sanchez, 109 N.M. 718, 790 P.2d 515 (Ct. App. 1990)
- State v. Buchanan, 76 N.M. 141, 412 P.2d 565 (1966)
- Opper v. United States, 348 U.S. 84, 75 S. Ct. 158, 99 L. Ed. 101 (1954)
- Smith v. United States, 348 U.S. 147, 75 S. Ct. 194, 99 L. Ed. 192 (1954)
- United States v. Shunk, 881 F.2d 917 (10th Cir. 1989)
- City of Bremerton v. Corbett, 106 Wash. 2d 569, 723 P.2d 1135 (1986)
- Conn. v. Harris, 215 Conn. 189, 575 A.2d 223 (1990)
- Ohio v. Black, 54 Ohio St. 2d 304, 376 N.E.2d 948 (1978)
- Wash. v. Ray, 130 Wash. 2d 673, 926 P.2d 904 (1996)
- Maralex Res., Inc. v. Gilbreath, 2003-NMSC-023, 134 N.M. 308, 76 P.3d 1038
- People v. Eberle, 265 A.D.2d 881, 697 N.Y.S.2d 218 (N.Y. App. Div. 1999)
- State v. Ward, 138 S.W.3d 245 (Tenn. Crim. App. 2003)
- State v. Clifford, 117 N.M. 508, 873 P.2d 254 (1994)
- Head v. Lithonia Corp., 881 F.2d 941 (10th Cir. 1989)

- Porter v. Whitehall Labs., Inc., 791 F. Supp. 1335 (S.D. Ind. 1992)
- State v. Downey, 2008-NMSC-061, 145 N.M. 232, 195 P.3d 1244
- Lee v. Martinez, 2004-NMSC-027, 136 N.M. 166, 96 P.3d 291
- State v. Barr, 2009-NMSC-024, 146 N.M. 301, 210 P.3d 198
- State v. Vasquez, 2010-NMCA-041, 148 N.M. 202, 232 P.3d 438
- State v. Wilson, 2007-NMCA-111, 142 N.M. 737, 169 P.3d 1184
- State v. Bravo, 2006-NMCA-019, 139 N.M. 93, 128 P.3d 1070
- State v. Evans, 2009-NMSC-027, 146 N.M. 319, 210 P.3d 216
- State v. Munoz, 1998-NMSC-048, 126 N.M. 535, 972 P.2d 847
- State v. Cooper, 1997-NMSC-058, 124 N.M. 277, 949 P.2d 660
- State v. Fekete, 120 N.M. 290, 901 P.2d 708 (1995)
- Culombe v. Connecticut, 367 U.S. 568, 81 S. Ct. 1860, 6 L. Ed. 2d 1037 (1961)
- State v. Salas, 2010-NMSC-028, 148 N.M. 313, 236 P.3d 32