

SUPREME COURT OF NEVADA

Linda Marie Fields v. The State of Nevada, 125 Nev. 776

220 P.3d 724 (2009) · No. No. 49417 · Decided December 10, 2009

SUMMARY

The Supreme Court of Nevada reviewed Linda Fields's first-degree murder conviction and held that the district court improperly admitted evidence of an alleged prior conspiracy involving another elderly man. The court concluded that the prior conduct was not sufficiently similar to establish a common plan or scheme and that its prejudicial effect substantially outweighed its probative value. Because the error was not harmless, the court reversed the judgment of conviction and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Cherry, J.; Saitta, J.; Gibbons, J.
JURISDICTION	Nevada
DECIDED	December 10, 2009
DOCKET	No. 49417
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Fields appealed her jury conviction for first-degree murder, challenging the district court's admission of evidence concerning an alleged prior uncharged conspiracy involving Fields and Roy Mobert.
STANDARD OF REVIEW	The admission or exclusion of prior-bad-act evidence is reviewed for abuse of discretion and will not be reversed absent manifest error. Nonconstitutional evidentiary error is reviewed under the Kotteakos harmless-error standard, asking whether the error had a substantial and injurious effect or influence in determining the jury's verdict.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion
PARTIES	Linda Marie Fields v. The State of Nevada

TOPICS

evidence relevance character evidence harmless error appellate procedure

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether evidence of the alleged prior uncharged Mobert conspiracy was relevant and admissible under the common-plan-or-scheme exception to Nevada's rule governing prior-bad-act evidence.
2. Whether the probative value of the Mobert-conspiracy evidence was substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.
3. Whether the erroneous admission of the Mobert-conspiracy evidence was harmless nonconstitutional error.

HOLDINGS

1. Evidence of a prior bad act is admissible under the common-plan-or-scheme exception only when the prior act and the charged crime are part of an overarching plan explicitly conceived and executed by the defendant. The alleged Mobert conspiracy was not sufficiently similar to Palensky's murder to establish such a preconceived plan, so the district court abused its discretion by admitting the evidence.
2. Even if relevant, the Mobert-conspiracy evidence was inadmissible because its probative value was substantially outweighed by the danger of unfair prejudice, confusion of the issues, and misleading the jury.
3. The erroneous admission of the Mobert-conspiracy evidence was not harmless because it had a substantial and injurious influence in determining the jury's verdict.

KEY QUOTATIONS

“The test is not whether the other offense has certain elements in common with the crime charged, but whether it tends to establish a preconceived plan which resulted in the commission of that crime.” (220 P.3d 728)

“Evidence of an alleged solicitation to murder Mobert from a police informant is not relevant and goes solely to a showing of bad character.” (220 P.3d 729)

“Therefore, the admission of the evidence regarding the Mobert conspiracy evidence of an alleged prior murder solicitation by Linda surely had an impact on the jury's verdict because even if the jury could not tie Linda to Palensky's murder, the guilty verdict rendered could have been determined, in part, by the admission of evidence of Linda's alleged solicitation to kill Mobert.” (220 P.3d 730)

FACTUAL BACKGROUND

Linda Fields and her husband owned a bar and ranch in Elko, Nevada, where Jaromir Palensky lived and worked after his incarceration. Palensky disappeared in December 2003, and his body was later found in Utah; an autopsy indicated that he died from blows to the back of his head. At trial, the State introduced evidence of an alleged prior conspiracy in which the Fieldses purportedly solicited Roy Mobert's murder and took advantage of

his property and finances, seeking to show a common plan or financial motive. The State also presented an alternative theory that Fields killed Palensky after discovering that he had molested her grandson.

PROCEDURAL HISTORY

Fields was charged with open murder with use of a deadly weapon and accessory to open murder with use of a deadly weapon. A jury convicted her of first-degree murder in the death of Jaromir Palensky, and the district court entered a judgment of conviction and imposed sentence. The Nevada Supreme Court held that evidence of the alleged Mobert conspiracy was improperly admitted and that the error was not harmless, reversed the judgment of conviction, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of conviction was reversed, and the case was remanded to the district court for further proceedings consistent with the opinion, including a new trial.

CASES CITED

- Braunstein v. State, 118 Nev. 68, 40 P.3d 413 (2002)
- Meek v. State, 112 Nev. 1288, 930 P.2d 1104 (1996)
- Ledbetter v. State, 122 Nev. 252, 129 P.3d 671 (2006)
- Rosky v. State, 121 Nev. 184, 111 P.3d 690 (2005)
- Tavares v. State, 117 Nev. 725, 30 P.3d 1128 (2001)
- Kotteakos v. United States, 328 U.S. 750 (1946)
- United States v. Olano, 507 U.S. 725 (1993)