

SUPREME COURT OF SOUTH DAKOTA

State of South Dakota v. Jon Jolley

State v. Jolley, 656 N.W.2d 305 (S.D. 2003) · No. No. 22078 · Decided January 8, 2003

SUMMARY

The Supreme Court of South Dakota affirmed Jon Jolley’s convictions for second-degree felony murder and child abuse. The court upheld the exclusion of proposed other-acts evidence concerning prosecution witness Karry Luthy, upheld limits on cross-examination regarding her potential sentence before a plea agreement, and upheld admission of other-acts evidence concerning Jolley. A special concurrence addressed the adequacy of cross-examination, and a dissent argued that the evidentiary rulings cumulatively denied Jolley a fair trial.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Amundson, Justice (Retired); Amundson; Gilbertson; Konenkamp; Zinter; Sabers
JURISDICTION	South Dakota
DECIDED	January 8, 2003
DOCKET	No. 22078
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jolley appealed his jury convictions for second-degree felony murder and child abuse, challenging evidentiary rulings concerning other-acts evidence and the cross-examination of a prosecution witness.
STANDARD OF REVIEW	Evidentiary rulings concerning admission of other-acts evidence and the scope of cross-examination are reviewed for abuse of discretion. The court asks whether a judicial mind, considering the law and facts, could have reached a similar decision.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jon Jolley v. State of South Dakota

TOPICS

- evidence
- criminal procedure
- sixth amendment
- character evidence
- impeachment

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding other-acts evidence concerning prosecution witness Karry Luthy's violent conduct toward adult partners.
2. Whether limiting cross-examination of Luthy by excluding the specific life sentence she faced before accepting a plea agreement violated Jolley's Sixth Amendment right of confrontation.
3. Whether the trial court abused its discretion by admitting other-acts evidence concerning Jolley's alleged kicking of his daughter.

HOLDINGS

1. The trial court properly excluded testimony about Luthy's volatile adult relationships because the evidence was insufficiently similar to the charged child-abuse conduct, was directed more toward character than a material issue, and was more prejudicial than probative.
2. The trial court did not abuse its discretion or violate the Sixth Amendment by preventing Jolley from eliciting the precise life sentence Luthy faced before her plea agreement while allowing extensive questioning about the agreement, dismissed murder charges, reduced sentence exposure, and her agreement to testify.
3. The trial court properly admitted evidence that Jolley had allegedly kicked his daughter because the evidence was sufficiently similar to the charged child abuse, relevant to identity, and probative of absence of mistake or accident without being substantially outweighed by prejudice.

KEY QUOTATIONS

"Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show that he acted in conformity therewith." (656 N.W.2d at 308)

"The trial court did not abuse its discretion in finding that there was no integral link between Luthy's turbulent romantic relationships and a small child being beaten to death." (656 N.W.2d at 309)

"The Confrontation Clause does not guarantee effective cross-examination, but merely guarantees the opportunity to confront the witness." (656 N.W.2d at 310)

FACTUAL BACKGROUND

Six-year-old Barrett Jolley collapsed at the home of his father, Jon Jolley, on July 31, 2000, with extensive bruises and blunt-force trauma. Barrett died at the hospital. Jolley and Karry Luthy were both initially charged with murder and child abuse; Luthy later pleaded guilty to two counts of child abuse under an agreement dismissing the murder charges in exchange for concurrent ten-year sentences and her testimony. At Jolley's trial, the court excluded evidence of Luthy's past violent relationships, limited questioning about the specific life sentence she faced before the plea agreement, and admitted evidence that Jolley had allegedly kicked his daughter.

PROCEDURAL HISTORY

Jolley was convicted in the trial court on May 30, 2001, and sentenced to life imprisonment without parole for second-degree felony murder and ten years for child abuse. He appealed the denial of defense other-acts evidence regarding Karry Luthy, the restriction on questioning Luthy about the specific sentence she faced before accepting a plea agreement, and the admission of other-acts evidence concerning Jolley. The Supreme Court of South Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Anderson, 2000 SD 45, 608 N.W.2d 644
- State v. Larson, 512 N.W.2d 732 (S.D. 1994)
- State v. McDonald, 500 N.W.2d 243 (S.D. 1993)
- State v. Werner, 482 N.W.2d 286 (S.D. 1992)
- State v. Rufener, 392 N.W.2d 424 (S.D. 1986)
- State v. Devall, 489 N.W.2d 371 (S.D. 1992)
- State v. Olesen, 443 N.W.2d 8 (S.D. 1989)
- State v. Bawdon, 386 N.W.2d 484 (S.D. 1986)
- State v. Percy, 80 S.D. 1, 117 N.W.2d 99 (1962)
- State v. Pfaff, 456 N.W.2d 558 (S.D. 1990)
- State v. Orelup, 520 N.W.2d 898 (S.D. 1994)
- State v. Moeller, 1996 SD 60, 548 N.W.2d 465
- State v. Wright, 1999 SD 50, 593 N.W.2d 792
- State v. White, 1996 SD 67, 549 N.W.2d 676
- State v. Perovich, 2001 SD 96, 632 N.W.2d 12
- State v. Grooms, 504 N.W.2d 111 (S.D. 1993)
- State v. Fulston, 325 N.J. Super. 184, 738 A.2d 380 (N.J. Super. Ct. App. Div. 1999)
- State v. Walton, 1999 SD 80, 600 N.W.2d 524
- State v. Davi, 504 N.W.2d 844 (S.D. 1993)
- McDowell v. Solem, 447 N.W.2d 646 (S.D. 1989)
- Davis v. Alaska, 415 U.S. 308 (1974)
- Delaware v. Van Arsdall, 475 U.S. 673 (1986)