

SUPREME COURT OF WYOMING

Vlahos v. State

2003 WY 103 (Wyo. 2003) · No. No. 02-154 · Decided August 27, 2003

SUMMARY

The Wyoming Supreme Court affirmed Eduardo Vlahos's conviction for conspiracy to commit aggravated robbery. The court rejected his speedy-trial claim and held that a coconspirator's in-court testimony may independently support a conspiracy conviction without corroborating evidence. The court also found sufficient evidence and no reversible error concerning accomplice or coconspirator jury instructions or ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Justice; Hill, C.J.; Golden, J.; Lehman, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	August 27, 2003
DOCKET	No. 02-154
DISPOSITION	affirmed
PROCEDURAL POSTURE	Vlahos appealed his conviction for conspiracy to commit aggravated robbery, challenging the denial of his speedy-trial motion, the sufficiency of the evidence, the jury instructions concerning accomplice and coconspirator testimony, and the effectiveness of trial counsel.
STANDARD OF REVIEW	Speedy-trial claims are reviewed under W.R.Cr.P. 48(b) and, when necessary, the four-part constitutional test in Barker v. Wingo. Sufficiency of the evidence is reviewed by determining whether a rational trier of fact could find the essential elements proven beyond a reasonable doubt, viewing the evidence and reasonable inferences favorably to the State. Unpreserved instructional claims are reviewed for plain error. Ineffective-assistance claims are evaluated under Strickland v. Washington.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential statewide authority.
PARTIES	Eduardo Vlahos v. State of Wyoming

TOPICS

criminal procedure

speedy trial

evidence

ineffective assistance

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether Vlahos was denied a statutory or constitutional speedy trial when his trial occurred 192 days after arraignment.
2. Whether the evidence was sufficient to support the conspiracy conviction without independent corroboration of coconspirator or accomplice testimony.
3. Whether the trial court committed plain error by failing to instruct the jury regarding accomplice and coconspirator testimony.
4. Whether the trial court committed plain error by failing to determine that particular witnesses were accomplices or coconspirators or submit that issue to the jury.
5. Whether trial counsel was ineffective for failing to request instructions concerning accomplice and coconspirator testimony.

HOLDINGS

1. The trial court did not violate W.R.Cr.P. 48(b) by continuing the trial beyond 120 days because the continuances were justified by the crowded docket, Vlahos failed to object or demonstrate prejudice as required by the rule, and the December 10 setting remained within six calendar months of arraignment.
2. Under Wyoming law, a conviction may be sustained on the unsupported testimony of an accomplice if the testimony is convincing and credible; corroboration is not required.
3. Independent evidence corroborating a conspiracy is not required when a coconspirator testifies in court and presents direct testimony concerning the conspiracy and the defendant's involvement; such testimony itself is sufficient independent evidence to support a conspiracy conviction.
4. The trial court did not commit plain error by failing to instruct that a conspiracy conviction required corroboration of coconspirator testimony or that accomplice testimony required corroboration, because Wyoming law imposes no such requirements.
5. The trial court did not commit plain error by failing to determine as a matter of law that particular witnesses were accomplices or coconspirators or by failing to submit that question to the jury, because no clear and unequivocal rule required either action.
6. Trial counsel was not ineffective for failing to request accomplice or coconspirator instructions because the omitted corroboration instructions were not legally required, and failure to request a discretionary cautionary instruction did not constitute constitutionally deficient performance.

KEY QUOTATIONS

“We hold that independent evidence corroborating a conspiracy is not necessary when a coconspirator appears at trial and presents direct testimony of the conspiracy and the defendant's involvement therein.”
(637)

“A coconspirator's in-court testimony is sufficient independent evidence to support a conspiracy conviction.”
(637)

“Given the lack of a clear precedent in Wyoming requiring cautionary instructions on accomplice testimony, we hold the trial court did not violate a clear and unequivocal rule of law in not giving a cautionary instruction.” (639)

FACTUAL BACKGROUND

Two men robbed a Cheyenne bank on May 3, 2001. Witnesses testified that Vlahos and his half-brother discussed and planned the robbery, including disguises, weapons, transportation, and the respective roles of the participants. Vlahos was acquitted of participating in the completed robbery but convicted of conspiring to commit aggravated robbery.

PROCEDURAL HISTORY

Vlahos and his half-brother were charged after a bank robbery. Following a jury trial, Vlahos was acquitted of aggravated robbery but convicted of conspiracy to commit aggravated robbery and sentenced to twenty-two to twenty-five years in prison. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Barker v. Wingo, 407 U.S. 514, 530 (1972)
- Hauck v. State, 2001 WY 119, 36 P.3d 597
- Germany v. State, 999 P.2d 63, 66 (Wyo. 2000)
- Taylor v. State, 2001 WY 13, 17 P.3d 715
- Hallock v. State, No. 00-326 (Wyo. Nov. 1, 2001) (per curiam)
- Wheeler v. State, 691 P.2d 599, 601 (Wyo. 1984)
- Virgilio v. State, 834 P.2d 1125, 1127 (Wyo. 1992)
- Vigil v. State, 926 P.2d 351, 360 (Wyo. 1996)
- Ostrowski v. State, 665 P.2d 471, 487 (Wyo. 1983)
- Filbert v. State, 436 P.2d 959, 960 (Wyo. 1968)
- Jasch v. State, 563 P.2d 1327, 1334 (Wyo. 1977)
- Jandro v. State, 781 P.2d 512, 521 (Wyo. 1989)
- Grable v. State, 649 P.2d 663, 677 (Wyo. 1982)

- United States v. Smith, 692 F.2d 693, 697-98 (10th Cir. 1982)
- Laughlin v. United States, 385 F.2d 287, 292 (D.C. Cir. 1967)
- United States v. Szabo, 789 F.2d 1484, 1487 (10th Cir. 1986)
- Mattox v. United States, 156 U.S. 237, 242-43 (1895)
- Bloomquist v. State, 914 P.2d 812, 824 (Wyo. 1996)
- Williams v. State, 986 P.2d 855, 857 (Wyo. 1999)
- Urbigkit v. State, 2003 WY 57, 67 P.3d 1207
- Jaramillo v. State, 517 P.2d 490, 492 (Wyo. 1974)
- State v. Grider, 74 Wyo. 88, 284 P.2d 400, 407, 74 Wyo. 111, 288 P.2d 766
- United States v. Becker, 62 F.2d 1007, 1009 (2d Cir. 1933)
- Grable v. State, 601 P.2d 1001, 1003 (Wyo. 1979)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Dickeson v. State, 843 P.2d 606, 609 (Wyo. 1992)
- Vargas v. State, 963 P.2d 984, 991 (Wyo. 1998)