

SUPREME COURT OF KANSAS

State v. Maestas

298 Kan. 765 (2014) · Decided January 24, 2014

SUMMARY

The Kansas Supreme Court affirmed Michael Maestas Jr.'s conviction for first-degree premeditated murder after he admitted stabbing his mother. The court rejected claims involving prosecutorial misconduct, refusal to instruct on reckless second-degree murder, restrictions on evidence concerning auditory hallucinations, and sentencing-related determinations concerning intellectual disability and psychiatric placement.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Biles, J.
JURISDICTION	Kansas
DECIDED	January 24, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a first-degree premeditated murder conviction and sentence following a jury trial.
STANDARD OF REVIEW	Prosecutorial-misconduct claims are reviewed under a two-step inquiry addressing whether the comments exceeded the prosecutor's latitude and, if so, whether prejudice denied a fair trial. The denial of a lesser-included-offense instruction is reviewed by considering whether the evidence, viewed in the light most favorable to the requesting party, could reasonably support the lesser offense. The denial of the constitutional right to present a defense is reviewed de novo. A district court's ultimate determination under K.S.A. 21-4634 and its decision under K.S.A. 22-3430 are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Kansas
PARTIES	Michael Maestas, Jr. v. State of Kansas

TOPICS

- criminal procedure
- prosecutorial misconduct
- sentencing
- appellate procedure
- evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

sentencing

QUESTIONS PRESENTED

1. Whether the prosecutor committed reversible misconduct by mischaracterizing witness testimony and suggesting facts not in evidence during closing argument.
2. Whether the district court erred by refusing to instruct the jury on reckless second-degree murder as a lesser included offense.
3. Whether exclusion of additional evidence concerning Maestas's prior auditory hallucinations violated his constitutional right to present a defense.
4. Whether the district court abused its discretion in determining that Maestas was not mentally retarded under K.S.A. 21-4634.
5. Whether the district court's denial of commitment to the state security hospital in lieu of imprisonment under K.S.A. 22-3430 was reviewable on appeal and, if so, whether the court abused its discretion.

HOLDINGS

1. The prosecutor improperly mischaracterized Jennifer Maestas's testimony by arguing that Maestas had not returned his mother's love, but the error was harmless beyond a reasonable doubt and did not deny Maestas a fair trial.
2. The district court properly refused to instruct the jury on reckless second-degree murder because no evidence supported a finding that Maestas unintentionally killed his mother through reckless conduct.
3. Evidence of auditory hallucinations offered to negate the intent and premeditation elements of first-degree murder falls within K.S.A. 22-3219(1)'s notice requirement; because Maestas did not provide the required notice, the district court properly excluded the additional evidence.
4. The district court did not abuse its discretion in finding that Maestas was not mentally retarded under K.S.A. 21-4634.
5. A district court's decision to refuse psychiatric commitment in lieu of prison under K.S.A. 22-3430 is reviewable on appeal for abuse of discretion, and the district court did not abuse its discretion in denying Maestas's request.

KEY QUOTATIONS

“ “[A]n unintentional but reckless second-degree murder ... is a killing of a human that is not purposeful, willful, or knowing but which results from an act performed with knowledge the victim is in imminent danger, although death is not foreseen.” ” (at 780)

“ But the statute’s scope is not limited to evidence of inability to form intent. It applies whenever a defendant seeks to prove lack of the required mental state as a result of a mental disease or defect.” (at 782)

“ We hold that a district court’s decision to refuse psychiatric commitment in lieu of prison pursuant to K.S.A. 22-3430 is reviewable on appeal for an abuse of discretion.” (at 790)

FACTUAL BACKGROUND

Maestas called 911 after stabbing his sleeping mother, Lorenza, with a pocketknife. He told responding officers and a detective that he had heard voices, entered his mother's bedroom, and repeatedly stabbed her, continuing after she screamed and asked him to stop. The pathologist estimated that Lorenza suffered approximately 150 stab wounds. At trial, Maestas presented evidence that he had experienced auditory hallucinations in the months before the killing, but he did not provide the statutory notice required to present a mental-disease-or-defect defense.

PROCEDURAL HISTORY

Maestas was convicted of first-degree premeditated murder after admitting that he stabbed his mother. Before trial, the district court found him competent to stand trial and granted the State's motion limiting evidence concerning his mental health based on the notice requirements of K.S.A. 22-3219. The court refused to instruct on reckless second-degree murder, later found Maestas was not mentally retarded for sentencing purposes, denied commitment to the state security hospital in lieu of imprisonment, and imposed a life sentence with a minimum 25-year term. The Supreme Court of Kansas affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Bridges, 297 Kan. 989, 1012, 306 P.3d 244 (2013)
- State v. Scott, 271 Kan. 103, 114, 21 P.3d 516 (2001)
- State v. Miller, 268 Kan. 517, Syl. ¶ 4, 997 P.2d 90 (2000)
- State v. Tahah, 293 Kan. 267, 277, 262 P.3d 1045 (2011)
- Chapman v. California, 386 U.S. 18, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)
- State v. McCullough, 293 Kan. 970, 977, 979-81, 990-91, 270 P.3d 1142 (2012)
- State v. Herbel, 296 Kan. 1101, 1110, 299 P.3d 292 (2013)
- State v. Cordray, 277 Kan. 43, 56, 82 P.3d 503 (2004)
- State v. Jones, 27 Kan. App. 2d 910, 915, 8 P.3d 1282 (2000)
- State v. Robinson, 261 Kan. 865, 881, 934 P.2d 38 (1997)
- State v. White, 279 Kan. 326, 331-32, 341, 109 P.3d 1199 (2005)
- State v. Wells, 289 Kan. 1219, 1235, 221 P.3d 561 (2009)
- State v. Wimbley, 271 Kan. 843, 847-48, 26 P.3d 657 (2001)
- State v. Phillips, 295 Kan. 929, 937, 287 P.3d 245 (2012)
- State v. Cravatt, 267 Kan. 314, 328, 979 P.2d 679 (1999)
- State v. Backus, 295 Kan. 1003, 1015, 287 P.3d 894 (2012)
- State v. Lopez, 271 Kan. 119, 127, 22 P.3d 1040 (2001)
- State v. Hill, 290 Kan. 339, 366-67, 228 P.3d 1027 (2010)

- Penry v. Lynaugh, 492 U.S. 302, 308 n.1, 109 S. Ct. 2934, 106 L. Ed. 2d 256 (1989)
- Atkins v. Virginia, 536 U.S. 304, 122 S. Ct. 2242, 153 L. Ed. 2d 335 (2002)
- State v. Adkins, 236 Kan. 259, 261, 689 P.2d 880 (1984)
- State v. Baker, 255 Kan. 680, 693, 877 P.2d 946 (1994)
- State v. Comprehensive Health of Planned Parenthood, 291 Kan. 322, 352, 241 P.3d 45 (2010)
- State v. Phillips, 295 Kan. 929, 947-49, 287 P.3d 245 (2012)
- State v. Ward, 292 Kan. 541, 550, 256 P.3d 801 (2011)
- State v. Spotts, 288 Kan. 650, 654-57, 206 P.3d 510 (2009)
- Mitchell v. City of Wichita, 270 Kan. 56, 66-67, 12 P.3d 402 (2000)
- Miller v. Johnson, 295 Kan. 636, 653, 289 P.3d 1098 (2012)
- State v. Dennis, 297 Kan. 229, 240, 300 P.3d 81 (2013)

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