

SUPREME COURT OF WYOMING

Hadden v. State

42 P.3d 495 (Wyo. 2002) · No. No. 00-336 · Decided March 15, 2002

SUMMARY

The Supreme Court of Wyoming affirmed John C. Hadden’s conviction for first-degree sexual assault. The court held that his custodial statements were admissible because he did not clearly request an attorney under the rule adopted from Davis v. United States, and it rejected his challenges to the sufficiency of the evidence and jury instructions. The court also announced that, after publication, giving a flight instruction in a criminal case would constitute reversible error, although flight could still be proven and argued as circumstantial evidence.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	HILL, Justice; LEHMAN, C.J.; GOLDEN, J.; HILL, J.; KITE, J.; VOIGT, J.
JURISDICTION	Wyoming
DECIDED	March 15, 2002
DOCKET	No. 00-336
DISPOSITION	affirmed
PROCEDURAL POSTURE	John Hadden appealed his conviction for first-degree sexual assault and his sentence of fifteen to twenty years in prison, challenging admission of his custodial statement, the sufficiency of the evidence, and jury instructions concerning witness discrepancies and flight.
STANDARD OF REVIEW	The suppression issue was reviewed de novo, with deference to the trial court's factual findings unless clearly erroneous and with evidence viewed in the light most favorable to the trial court's determination. Sufficiency of the evidence was reviewed by asking whether, viewing the evidence in the light most favorable to the State, a reasonable factfinder could find guilt beyond a reasonable doubt. The challenged discrepancy instruction received plenary review.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; binding precedent in Wyoming, including its prospective rule prohibiting criminal flight instructions.

TOPICS

miranda rights

right to counsel

suppression of evidence

jury instructions

criminal procedure

PRACTICE AREAS

criminal procedure

criminal appeals

constitutional criminal procedure

evidence

jury instructions

QUESTIONS PRESENTED

1. Whether Hadden's custodial statement was inadmissible because he requested counsel or made an equivocal invocation of his right to counsel.
2. Whether sufficient evidence supported Hadden's first-degree sexual assault conviction despite the victim's inability to identify him as the attacker.
3. Whether the trial court erred by giving jury instructions concerning discrepancies in testimony and flight.

HOLDINGS

1. The custodial statement was admissible because Hadden did not clearly request an attorney after receiving Miranda warnings, and law enforcement was not required to cease questioning or clarify an ambiguous reference to counsel.
2. The evidence was sufficient to permit the jury to find Hadden guilty beyond a reasonable doubt.
3. The trial court erred in giving the challenged discrepancy instruction and its use is specifically disapproved, but the error was harmless in light of the totality of the instructions.
4. For criminal cases tried after publication of the opinion in the advance sheets of Pacific Reporter Third, giving a flight instruction to the jury constitutes reversible error, although the prosecution may still introduce and argue evidence of flight.

KEY QUOTATIONS

“However, we will also hold that after the publication of this opinion in the advance sheets of Pacific Reporter Third, the giving of a flight instruction in a criminal case will constitute reversible error, though the prosecution may still prove up and argue flight as a circumstance from which guilt may be inferred.” (¶ 2)

“We therefore hold that, after a knowing and voluntary waiver of the Miranda rights, law enforcement officers may continue questioning until and unless the suspect clearly requests an attorney.” (¶ 25)

“However, given the totality of the instructions, we can assign it no more than the status of harmless error.” (¶ 33)

FACTUAL BACKGROUND

The victim was beaten and raped near the Outlaw Inn in Rock Springs during the early morning of August 6, 1999. Although she could not identify Hadden and her initial description did not meaningfully resemble him, evidence connected Hadden to the crime, including testimony from Christopher Hobbs that Hadden confessed, circumstantial evidence involving a baseball cap, travel records, telephone records, and blood antigens. After his arrest, Hadden gave police a custodial statement in which he admitted being with the victim but denied assaulting or raping her and claimed Hobbs was responsible.

PROCEDURAL HISTORY

Hadden was convicted in Wyoming district court of first-degree sexual assault and sentenced to fifteen to twenty years in the Wyoming State Penitentiary. The district court denied a motion to suppress his custodial statement, made orally during the second day of trial and renewed in a motion for new trial. The Supreme Court of Wyoming affirmed the judgment and sentence.

DISPOSITION

affirmed

CASES CITED

- Lara v. State, 25 P.3d 507, 510 (Wyo. 2001)
- Davis v. United States, 512 U.S. 452, 462 (1994)
- United States v. Zamora, 222 F.3d 756, 766 (10th Cir. 2000)
- State v. Simmons, 2000 MT 329, ¶¶ 19-24, 15 P.3d 408 (Mont. 2000)
- Harte v. State, 13 P.3d 420, 428-29 (Nev. 2000)
- People v. Tally, 7 P.3d 172, 179-81 (Colo. App. 1999)
- State v. Whipple, 134 Idaho 498, 5 P.3d 478, 482 (Idaho Ct. App. 2000)
- Stemple v. State, 2000 OK CR 4, ¶¶ 9-10, 994 P.2d 61 (Okla. Crim. App. 2000)
- State v. Kiriluk, 1999 UT App 30, ¶¶ 7-8, 975 P.2d 469 (Utah Ct. App. 1999)
- State v. Donesay, 265 Kan. 60, 959 P.2d 862, 871 (Kan. 1998)
- Braboy v. State, 130 Md. App. 220, 745 A.2d 471, 477-79 (2000)
- Goodner v. State, 714 N.E.2d 638, 641 (Ind. 1999)
- State v. Brown, 589 N.W.2d 69, 72-74 (Iowa Ct. App. 1998)
- State v. Greybull, 1998 ND 102, ¶¶ 8-9, 14-21, 579 N.W.2d 161 (N.D. 1998)
- Cothren v. State, 705 So. 2d 849, 851-55 (Ala. Crim. App. 1997)
- Billups v. State, 135 Md. App. 345, 762 A.2d 609, 614-16 (2000)
- State v. Jones, 102 Wash. App. 89, 6 P.3d 58, 61-62 (2000)
- State v. Rogan, 91 Haw. 405, 984 P.2d 1231, 1249 (1999)
- Statezny v. State, 2001 WY 22, ¶ 15, 18 P.3d 641 (Wyo. 2001)
- Mueller v. State, 2001 WY 134, ¶ 9, 36 P.3d 1151 (Wyo. 2001)
- Schmidt v. State, 2001 WY 73, ¶ 23, 29 P.3d 76 (Wyo. 2001)

- Metzger v. State, 4 P.3d 901, 908 (Wyo. 2000)
- Gentry v. State, 806 P.2d 1269, 1270, 1273-74 (Wyo. 1991)
- Germany v. State, 999 P.2d 63, 69-70 (Wyo. 2000)
- Renner v. State, 260 Ga. 515, 397 S.E.2d 683, 686 (1990)
- Wong Sun v. United States, 371 U.S. 471, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963)
- United States v. Jackson, 572 F.2d 636 (7th Cir. 1978)