

SUPREME COURT OF CALIFORNIA

People v. Brown

S257631 (Cal. Mar. 2, 2023) · No. S257631 · Decided March 2, 2023

SUMMARY

The California Supreme Court held that first degree murder by means of poison requires proof that the defendant deliberately gave the victim poison with the intent to kill or inflict injury likely to cause death. The trial court’s instructions improperly allowed Heather Rose Brown to be convicted based on malice and the use of poison without requiring that heightened mental state. The court found the instructional error prejudicial and reversed the judgment of the Court of Appeal.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Justice Groban; Chief Justice Guerrero; Justice Corrigan; Justice Liu; Justice Kruger; Justice Jenkins; Justice Cantil-Sakauye
JURISDICTION	California
DECIDED	March 2, 2023
DOCKET	S257631
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Brown appealed her first degree murder conviction to the California Court of Appeal, which rejected her challenge to the first degree poison-murder jury instruction in an unpublished opinion. The California Supreme Court granted review and reversed the Court of Appeal's judgment.
STANDARD OF REVIEW	Instructional error omitting an element of an offense is reviewed for prejudice under the federal harmless-error standard: reversal is required unless the court can conclude beyond a reasonable doubt that the error did not contribute to the verdict.
PRECEDENTIAL VALUE	published precedential California Supreme Court opinion
PARTIES	Heather Rose Brown v. The People

TOPICS

- jury instructions
- lesser included offense instructions
- criminal procedure
- mens rea
- statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

jury instructions

murder

QUESTIONS PRESENTED

1. Whether first degree murder by means of poison under California Penal Code section 189 requires proof of a mental state more culpable than the malice required for second degree murder.
2. Whether the trial court's failure to instruct the jury that the defendant must deliberately give the victim poison with intent to kill or inflict injury likely to cause death was prejudicial.
3. Whether the Court of Appeal's judgment should be reversed and the matter remanded for further proceedings.

HOLDINGS

1. To prove first degree murder by means of poison, the prosecution must show that the defendant deliberately gave the victim poison with the intent to kill the victim or inflict injury likely to cause the victim's death. Proof that poison was a substantial factor in causing death, together with malice, is insufficient by itself.
2. The trial court erred by failing to instruct the jury that Brown had to deliberately give her daughter poison with the intent to kill her or inflict injury likely to cause her death.
3. The instructional error was prejudicial because the court could not conclude beyond a reasonable doubt that the jury would have returned the same first degree murder verdict if properly instructed.

KEY QUOTATIONS

“To prove a murder by poison is in the first degree, the prosecution must show that the defendant deliberately gave the victim poison with the intent to kill the victim or inflict injury likely to cause the victim’s death.” (24-25)

“The use of poison, standing alone, does not fulfill this requirement unless it is carried out with a state of mind more culpable than the malice required for a second degree murder conviction” (25)

“Because the trial court failed to instruct the jury on the mental state element of first degree murder by poison and because this error was prejudicial, we reverse the judgment.” (32)

FACTUAL BACKGROUND

Brown gave birth in a hotel room and continued using heroin and, at least once, methamphetamine after the birth. Her newborn daughter died on the fifth day of life after Brown fed her breast milk and formula; an autopsy detected heroin-derived morphine and methamphetamine. Brown told investigators she had not intended to harm her daughter and believed she was trying to help her, while the prosecution argued that Brown's drug use and feeding of breast milk caused the death.

PROCEDURAL HISTORY

A Shasta County Superior Court jury convicted Brown of first degree murder by poison, along with other offenses, and the court imposed a sentence of 25 years to life for the murder count. The Court of Appeal affirmed the relevant judgment in an unpublished opinion, holding that proof of a malicious killing caused by poison was sufficient for first degree murder. The California Supreme Court granted review, held that the jury instruction omitted a required mental-state element, found the error prejudicial, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Appeal was reversed, and the case was remanded to the Court of Appeal with directions to return the matter to the superior court for further proceedings consistent with the opinion. The superior court was directed to consider the potential applicability of Assembly Bill No. 518 and Senate Bill No. 567. Brown's convictions for the other offenses and related enhancement remained intact.

CASES CITED

- People v. Sanchez, 24 Cal. 17 (1864)
- People v. Steger, 16 Cal. 3d 539 (1976)
- People v. Webster, 54 Cal. 3d 411 (1991)
- People v. Gutierrez, 28 Cal. 4th 1083 (2002)
- People v. Keeler, 2 Cal. 3d 619 (1970)
- People v. Milton, 145 Cal. 169 (1904)
- People v. Mattison, 4 Cal. 3d 177 (1971)
- People v. Jennings, 50 Cal. 4th 616 (2010)
- People v. Ruiz, 44 Cal. 3d 589 (1988)
- People v. Watson, 30 Cal. 3d 290 (1981)
- People v. Archerd, 3 Cal. 3d 615 (1970)
- People v. Albertson, 23 Cal. 2d 550 (1944)
- People v. Diaz, 3 Cal. 4th 495 (1992)
- People v. Catlin, 26 Cal. 4th 81 (2001)
- People v. Blair, 36 Cal. 4th 686 (2005)
- People v. Cobler, 2 Cal. App. 2d 375 (1934)
- People v. Aledamat, 8 Cal. 5th 1 (2019)
- Chapman v. California, 386 U.S. 18 (1967)
- Neder v. United States, 527 U.S. 1 (1999)
- People v. Mil, 53 Cal. 4th 400 (2012)
- People v. Chiu, 59 Cal. 4th 155 (2014)

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