

SUPREME COURT OF NEW MEXICO

State v. Smith

19 P.3d 254, 130 N.M. 117, 2001-NMSC-004 (2001) · No. No. 25,106 · Decided January 23, 2001

SUMMARY

The Supreme Court of New Mexico affirmed Darcy Smith's convictions for first-degree felony murder and false imprisonment. The court held that sufficient evidence supported both convictions, including the inherently dangerous circumstances of the underlying felony and the causal connection to the victim's death. It also rejected challenges concerning hearsay, the Confrontation Clause, limits on cross-examination, and proposed jury instructions.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Franchini, Justice; Franchini; Serna; Baca; Minzner; Maes
JURISDICTION	New Mexico
DECIDED	January 23, 2001
DOCKET	No. 25,106
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for first-degree felony murder and false imprisonment following a jury trial.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed under the substantial-evidence standard, viewing the evidence in the light most favorable to the verdict and deferring to the factfinder on credibility and weight. Evidentiary rulings and denial of a mistrial are reviewed for abuse of discretion. Whether a restriction on cross-examination violates the Confrontation Clause is reviewed de novo, while the scope of cross-examination is otherwise reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published New Mexico Supreme Court opinion; precedential.
PARTIES	Darcy Smith v. State of New Mexico

TOPICS

- criminal procedure
- evidence
- jury instructions
- fifth amendment
- sixth amendment

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Smith's convictions for false imprisonment and first-degree felony murder.
2. Whether the trial court improperly admitted testimony concerning Smith's own statements and thereby violated hearsay rules or the Sixth Amendment Confrontation Clause.
3. Whether limitations on cross-examination of two witnesses violated Smith's confrontation rights.
4. Whether the trial court erred by refusing requested jury instructions concerning accomplice testimony and mere presence.
5. Whether the prosecutor improperly commented on Smith's postarrest silence, failure to testify, or character, requiring a mistrial.

HOLDINGS

1. The evidence was sufficient for a rational jury to find that Smith confined the victim against his will without authority or helped or encouraged that confinement.
2. False imprisonment, although a fourth-degree felony, may serve as the predicate felony for felony murder when committed under circumstances inherently dangerous to human life, and the evidence was sufficient to establish that circumstance.
3. The evidence sufficiently connected the false imprisonment to the victim's death because Smith's acts initiated and led to the homicide without an independent intervening force.
4. The testimony describing Smith's own statements was properly admitted as a party's own statement and was not hearsay; its admission did not violate the Confrontation Clause.
5. The trial court's restrictions on cross-examination did not violate the Confrontation Clause or constitute an abuse of discretion.
6. The trial court properly refused Smith's requested instruction directing the jury to view accomplice testimony with suspicion and caution because the applicable uniform-jury-instruction use note prohibited giving such an instruction.
7. The trial court properly refused a requested mere-presence instruction because the uniform-jury-instruction use note prohibited it and the essential-elements and reasonable-doubt instructions adequately covered the principle.
8. The prosecutor's unanswered question about whether Smith gave a statement and closing remarks responding to defense counsel's opening argument did not violate Smith's Fifth Amendment rights and did not require a mistrial.

KEY QUOTATIONS

“"[T]he relevant question is whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (259)

*“"[T]he trial court retains *"wide latitude insofar as the Confrontation Clause is concerned to impose reasonable limits on . . . cross-examination based on concerns about, among other things, harassment, prejudice, confusion of the issues, the witness' safety, or interrogation that is repetitive or only marginally relevant.\"” (262)

“"You alone are the judges of the credibility of the witnesses and the weight to be given to the testimony of each of them.” (264)

“"The power to declare a mistrial should be exercised with the greatest caution.” (265)

FACTUAL BACKGROUND

The victim was forcibly taken at gunpoint from an Albuquerque area by Smith, Darcy Smith, and Mark Apodaca, who had been drinking and were armed. During the drive to a remote location, the victim was beaten, and all three participants shot him; Darcy Smith shot him twice with a 9-millimeter handgun. The victim died from multiple gunshot wounds, and testimony from Apodaca and the Joneses, together with physical and expert evidence, implicated Smith in the confinement and killing.

PROCEDURAL HISTORY

Smith was initially charged in children's court after being accused of participating in the 1992 killing of a seventeen-year-old victim. The children's court transferred her to district court to be tried as an adult, and the Court of Appeals affirmed the transfer and rejected her due-process and speedy-trial claims. After a district-court jury convicted Smith of first-degree felony murder and false imprisonment, she appealed directly to the New Mexico Supreme Court, challenging the sufficiency of the evidence, evidentiary rulings, limits on cross-examination, jury instructions, and prosecutorial comments.

DISPOSITION

affirmed

CASES CITED

- State v. Sutphin, 107 N.M. 126, 753 P.2d 1314 (1988)
- State v. Garcia, 114 N.M. 269, 837 P.2d 862 (1992)
- State v. Rojo, 1999-NMSC-001, 126 N.M. 438, 971 P.2d 829
- State v. Hernandez, 115 N.M. 6, 846 P.2d 312 (1993)
- State v. Muise, 103 N.M. 382, 707 P.2d 1192 (Ct. App. 1985)
- State v. Harrison, 90 N.M. 439, 564 P.2d 1321 (1977)
- State v. McGruder, 1997-NMSC-023, 123 N.M. 302, 940 P.2d 150
- State v. Varela, 1999-NMSC-045, 128 N.M. 454, 993 P.2d 1280

- State v. Worley, 100 N.M. 720, 676 P.2d 247 (1984)
- State v. Castillo-Sanchez, 1999-NMCA-085, 127 N.M. 540, 984 P.2d 787, cert. denied, 127 N.M. 390, 981 P.2d 1208 (1999)
- State v. Gonzales, 1999-NMSC-033, 128 N.M. 44, 989 P.2d 419
- State v. Martinez, 1996-NMCA-109, 122 N.M. 476, 927 P.2d 31
- In re Ernesto M., 1996-NMCA-039, 121 N.M. 562, 915 P.2d 318
- State v. Martin, 101 N.M. 595, 686 P.2d 937 (1984)
- State v. Mireles, 84 N.M. 146, 500 P.2d 431 (Ct. App. 1972)
- People v. Terrell, 185 Ill. 2d 467, 708 N.E.2d 309 (1998)
- State v. Herrera, 92 N.M. 7, 582 P.2d 384 (Ct. App. 1978)
- State v. Sanders, 117 N.M. 452, 872 P.2d 870 (1994)
- State v. Brown, 1998-NMSC-037, 126 N.M. 338, 969 P.2d 313
- State v. Sarracino, 1998-NMSC-022, 125 N.M. 511, 964 P.2d 72
- State v. Ortega, 112 N.M. 554, 817 P.2d 1196 (1991)
- State v. Smith, 88 N.M. 541, 543 P.2d 834 (Ct. App. 1975)
- State v. Smith, 92 N.M. 533, 591 P.2d 664 (1979)
- State v. Curlee, 98 N.M. 576, 651 P.2d 111 (Ct. App. 1982)
- State v. Stettheimer, 94 N.M. 149, 607 P.2d 1167 (Ct. App. 1980)
- State v. Foster, 1998-NMCA-163, 126 N.M. 177, 967 P.2d 852
- State v. Garcia, 118 N.M. 773, 887 P.2d 767 (Ct. App. 1994)
- State v. Foster, 1999-NMSC-007, 126 N.M. 646, 974 P.2d 140
- State v. Gibson, 113 N.M. 547, 828 P.2d 980 (Ct. App. 1992)
- State v. Armendarez, 113 N.M. 335, 825 P.2d 1245 (1992)
- State v. Gonzales, 113 N.M. 221, 824 P.2d 1023 (1992)
- State v. Taylor, 104 N.M. 88, 717 P.2d 64 (Ct. App. 1986)
- State v. Brown, 1997-NMSC-029, 123 N.M. 413, 941 P.2d 494
- State v. Henry, 101 N.M. 266, 681 P.2d 51 (1984)
- State v. Padilla, 1996-NMCA-072, 122 N.M. 92, 920 P.2d 1046
- United States v. Robinson, 485 U.S. 25, 32 (1988)
- Lockett v. Ohio, 438 U.S. 586, 595 (1978)
- Greer v. Miller, 483 U.S. 756, 764 (1987)
- Griffin v. California, 380 U.S. 609, 615 (1965)
- In re Darcy S., 1997-NMCA-026, 123 N.M. 206, 936 P.2d 888