

SUPREME COURT OF KENTUCKY

Ronald Exantus v. Commonwealth of Kentucky

2018-SC-0241-MR (Ky. Dec. 17, 2020) · No. 2018-SC-0241-MR · Decided December 15, 2020

SUMMARY

The Supreme Court of Kentucky affirmed Ronald Exantus’s convictions and twenty-year sentence following a jury verdict finding him not guilty by reason of insanity of murder and burglary but guilty but mentally ill of three assault counts. The court held that verdicts of not guilty by reason of insanity and guilty but mentally ill may coexist when sufficient evidence supports the guilty-but-mentally-ill convictions. The opinion also addresses directed verdicts, lesser-included-offense instructions, the definition of a dangerous instrument, juror challenges, and admission of prior-bad-act evidence.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Lambert; All sitting
JURISDICTION	Kentucky
DECIDED	December 15, 2020
DOCKET	2018-SC-0241-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Exantus appealed as a matter of right from a Woodford Circuit Court judgment imposing a twenty-year sentence after a jury found him not guilty by reason of insanity of murder and first-degree burglary, but guilty but mentally ill of three assault offenses.
STANDARD OF REVIEW	Directed-verdict sufficiency is reviewed under whether it would be clearly unreasonable for a jury to find guilt under the evidence as a whole. Jury-instruction rulings and evidentiary rulings are reviewed for abuse of discretion. Preserved instructional error is reviewed for harmless error. Failure to strike a juror for cause is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ronald Exantus v. Commonwealth of Kentucky

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether verdicts finding Exantus not guilty by reason of insanity on murder and burglary and guilty but mentally ill on three assault counts were impermissibly inconsistent.
2. Whether the evidence was sufficient to support the assault convictions and whether the trial court properly denied directed-verdict motions.
3. Whether the trial court erred by refusing lesser-included-offense instructions for fourth-degree assault.
4. Whether the failure to define dangerous instrument in the assault instructions required reversal.
5. Whether the trial court erred by denying motions to strike Jurors 5199, 5300, and 5301 for cause.
6. Whether the trial court improperly admitted evidence of Exantus's prior violent conduct toward his infant daughter in cross-examining the defense mental-health expert.

HOLDINGS

1. A jury may return verdicts finding a defendant not guilty by reason of insanity on some counts and guilty but mentally ill on other counts arising from the same episode, so long as sufficient evidence supports each guilty-but-mentally-ill conviction.
2. The evidence was sufficient for a reasonable jury to find Exantus guilty but mentally ill of the assaults and to find the required mental states.
3. The statutory term physical injury means any impairment of physical condition, and K.T.'s cut nose satisfied that requirement.
4. Whether an object is a dangerous instrument depends primarily on how it was used; the evidence permitted the jury to find that the butter knife used to cut K.T. was a dangerous instrument.
5. The trial court properly declined to instruct on fourth-degree assault because no reasonable juror could find that Exantus caused the girls' injuries without using a dangerous instrument.
6. The omission of the statutory definition of dangerous instrument was error, but it was harmless beyond a reasonable doubt.
7. The challenge to Juror 5199 was unpreserved; challenges to Jurors 5300 and 5301 based on their ability to consider capital sentencing and mitigation were moot because Exantus was not convicted of a capital offense; and the remaining challenge to Juror 5301 did not establish cause for removal.
8. The Commonwealth could cross-examine the defense expert about Exantus's prior violent conduct because the evidence was used to test the basis of the expert's insanity opinion, but the trial court erred by failing to make the express KRE 703(b) findings; the error was harmless.

KEY QUOTATIONS

“We accordingly hold that a verdict finding a defendant both not guilty by reason of insanity and guilty but mentally ill is permissible as long as there was sufficient evidence to support the jury’s finding of guilty but mentally ill on a particular count.” (at 9)

“In this context, it said any impairment of physical condition, and it meant any impairment of physical condition, i.e. any injury.” (at 21)

“Therefore, because the trial court did not make the necessary findings under KRE 703(b), it did err. But we do not believe that error warrants reversal in this case.” (at 52)

FACTUAL BACKGROUND

Exantus, a previously convicted-free dialysis nurse, developed unusual manic and psychotic behavior in early December 2015. He entered a Kentucky home at approximately 4 a.m., stabbed a child who later died, injured two other children with knives, and struggled with their father. Toxicology detected inactive THC and doxylamine, while the defense psychologist opined that Exantus was legally insane, although the jury ultimately found him guilty but mentally ill on the assault counts.

PROCEDURAL HISTORY

A jury returned mixed verdicts: not guilty by reason of insanity on murder and first-degree burglary, and guilty but mentally ill on second-degree assaults of K.T. and D.T. and fourth-degree assault of Dean. The trial court imposed a twenty-year sentence. The Kentucky Supreme Court affirmed after rejecting challenges to the verdicts, directed verdict rulings, jury instructions, juror challenges, and admission of prior-conduct evidence used to test an expert's opinion.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Harrell, 3 S.W.3d 349 (Ky. 1999)
- Pace v. Commonwealth, 636 S.W.2d 887 (Ky. 1982)
- United States v. Powell, 469 U.S. 57 (1984)
- Milam v. State, 341 S.E.2d 216 (Ga. 1986)
- Capshaw v. Commonwealth, 253 S.W.3d 557 (Ky. App. 2008)
- Radioshack Corp. v. ComSmart, Inc., 222 S.W.3d 256 (Ky. App. 2007)
- Commonwealth v. Benham, 816 S.W.2d 186 (Ky. 1991)
- Meredith v. Commonwealth, 628 S.W.2d 887 (Ky. App. 1982)
- Doneghy v. Commonwealth, 410 S.W.3d 95 (Ky. 2013)
- Hubbard v. Commonwealth, 932 S.W.2d 381 (Ky. App. 1996)
- Covington v. Commonwealth, 849 S.W.2d 560 (Ky. 1992)
- Rice v. Commonwealth, 492 S.W.3d 563 (Ky. 2016)

- Smith v. Commonwealth, 610 S.W.2d 602 (Ky. 1980)
- Early v. Commonwealth, 470 S.W.3d 729 (Ky. 2015)
- Hampton v. Commonwealth, 231 S.W.3d 740 (Ky. 2007)
- Baker v. Commonwealth, 973 S.W.2d 54 (Ky. 1998)
- Ratliff v. Commonwealth, 194 S.W.3d 258 (Ky. 2006)
- Commonwealth v. English, 993 S.W.2d 941 (Ky. 1999)
- Taylor v. Commonwealth, 995 S.W.2d 355 (Ky. 1999)
- Thomas v. Commonwealth, 170 S.W.3d 343 (Ky. 2005)
- Ruehl v. Houchin, 387 S.W.2d 597 (Ky. 1965)
- Swan v. Commonwealth, 384 S.W.3d 77 (Ky. 2012)
- Caudill v. Commonwealth, 120 S.W.3d 635 (Ky. 2003)
- Commonwealth v. McCombs, 304 S.W.3d 676 (Ky. 2009)
- Harp v. Commonwealth, 266 S.W.3d 813 (Ky. 2008)
- Neder v. United States, 527 U.S. 1 (1999)
- Mulazim v. Commonwealth, 600 S.W.3d 183 (Ky. 2020)
- Harris v. Commonwealth, 313 S.W.3d 40 (Ky. 2010)
- Lockhart v. McCree, 476 U.S. 162 (1986)
- Wainwright v. Witt, 469 U.S. 412 (1985)
- Shane v. Commonwealth, 243 S.W.3d 336 (Ky. 2007)
- Ordway v. Commonwealth, 391 S.W.3d 762 (Ky. 2013)
- Holt v. Commonwealth, 250 S.W.3d 647 (Ky. 2008)
- Port v. Commonwealth, 906 S.W.2d 327 (Ky. 1995)
- Hoff v. Commonwealth, 394 S.W.3d 368 (Ky. 2011)
- Rabovsky v. Commonwealth, 973 S.W.2d 6 (Ky. 1998)