

SUPREME COURT OF KANSAS

State v. Schumacher

298 Kan. 1059 (2014) · Decided March 7, 2014

SUMMARY

The Kansas Supreme Court affirmed Todd Schumacher’s convictions for first-degree premeditated murder and endangering a child. The court held that sufficient evidence supported premeditation and child endangerment and that prosecutorial misconduct during rebuttal closing argument did not warrant a new trial.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Moritz, J.
JURISDICTION	Kansas
DECIDED	March 7, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for first-degree premeditated murder and endangering a child. Schumacher challenged the sufficiency of the evidence and the denial of his motion for a new trial based on alleged prosecutorial misconduct during rebuttal closing argument.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by examining the evidence in the light most favorable to the prosecution and determining whether a rational factfinder could have found the defendant guilty beyond a reasonable doubt; the court does not reweigh evidence, resolve conflicts, or make credibility determinations. A ruling on a motion for new trial is reviewed for abuse of discretion. Prosecutorial-misconduct claims are analyzed first for whether the challenged comment exceeded the prosecutor's permissible latitude and, if so, whether it was sufficiently prejudicial to deny a fair trial.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential.
PARTIES	Todd Schumacher v. State

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review
- prosecutorial misconduct

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Schumacher's conviction for first-degree premeditated murder.
2. Whether sufficient evidence supported Schumacher's conviction for endangering a child.
3. Whether the prosecutor committed misconduct by demonstrating the sound of cocking the gun and asking the jury to compare it with a sound on the recording.
4. Whether the prosecutor committed reversible misconduct by twice asking the jury for justice for the victim.

HOLDINGS

1. The evidence was sufficient for a rational factfinder to conclude beyond a reasonable doubt that Schumacher premeditated Ann's killing.
2. The evidence was sufficient to prove that Schumacher intentionally and unreasonably placed M.S. in a situation in which there was more than a faint or remote possibility that her life, body, or health would be injured or endangered.
3. The prosecutor did not commit misconduct by asking the jury to compare the sound of the gun being cocked in open court with a clicking sound on the recording.
4. The prosecutor committed misconduct by twice asking the jury for justice for Ann, but the misconduct was not sufficiently prejudicial to require reversal.

KEY QUOTATIONS

"In evaluating the sufficiency of the evidence, we do not reweigh evidence, resolve conflicts between evidence, or make credibility determinations." (1066-67)

"A premeditated act is not necessarily one that is "planned, contrived, or schemed beforehand; rather, premeditation indicates a time of reflection or deliberation."" (1067)

"We reiterate that a prosecutor cannot ask the jury to convict a defendant in order to give the victim justice." (1073)

"Given these circumstances and the strength of the State's evidence, we conclude the prosecutor's brief comments were not so prejudicial as to deny Schumacher a fair trial." (1074)

FACTUAL BACKGROUND

After learning that his ex-wife, Ann, was seeking child support and custody of their children, Schumacher repeatedly threatened to kill her while drinking the night before the shooting. The next morning he went to Ann's home, confronted her while their fifteen-year-old daughter M.S. was nearby, drew a loaded revolver, placed it under Ann's chin, and shot her. M.S.'s camera recorded portions of the confrontation, and forensic evidence

linked the bullet fragments to the revolver found in Schumacher's pickup. Schumacher claimed the shooting was accidental and that he had intended to commit suicide.

PROCEDURAL HISTORY

A jury convicted Schumacher of first-degree premeditated murder and endangering a child after he shot and killed his ex-wife while their daughter was nearby. The district court sentenced him to 25 years to life for murder and a concurrent one-year jail term for child endangerment. The Kansas Supreme Court considered Schumacher's direct appeal and affirmed both convictions.

DISPOSITION

affirmed

CASES CITED

- State v. McCaslin, 291 Kan. 697, 710, 245 P.3d 1030 (2011)
- State v. Qualls, 297 Kan. 61, 66-67, 298 P.3d 311 (2013)
- State v. Hall, 292 Kan. 841, 859, 257 P.3d 272 (2011)
- State v. Cook, 286 Kan. 1098, 1102, 191 P.3d 294 (2008)
- State v. Pabst, 268 Kan. 501, 513, 996 P.2d 321 (2000)
- State v. Daniels, 278 Kan. 53, 72-73, 91 P.3d 1147, cert. denied, 543 U.S. 982 (2004)
- State v. Cummings, 297 Kan. 716, 731, 305 P.3d 556 (2013)
- State v. Rojas-Marceleno, 295 Kan. 525, 539, 285 P.3d 361 (2012)
- State v. Ward, 292 Kan. 541, 550, 256 P.3d 801 (2011), cert. denied, 132 S. Ct. 1594 (2012)
- State v. Brown, 295 Kan. 181, 210, 284 P.3d 977 (2012)
- State v. Akins, 298 Kan. 592, Syl. ¶¶ 1-2, 315 P.3d 868 (2014)
- State v. Chanthaseng, 293 Kan. 140, 146-47, 261 P.3d 889 (2011)
- State v. Simmons, 292 Kan. 406, 412-14, 254 P.3d 97 (2011)
- State v. Scott, 286 Kan. 54, 84, 183 P.3d 801 (2008)
- State v. Bradford, 219 Kan. 336, 340, 548 P.2d 812 (1976)
- State v. Brinklow, 288 Kan. 39, 52, 200 P.3d 1225 (2009)
- State v. Anderson, 294 Kan. 450, 462-63, 276 P.3d 200 (2012)
- State v. Britt, 295 Kan. 1018, 1031, 287 P.3d 905 (2012)
- State v. McCorkendale, 267 Kan. 263, 284-86, 979 P.2d 1239 (1999)
- Simmons, 292 Kan. 418-19