

SUPREME COURT OF WYOMING

Maes v. State

2005 WY 70 · No. No. 04-112 · Decided June 28, 2005

SUMMARY

The Supreme Court of Wyoming held that Eli Maes's guilty pleas were voluntary despite his motivation to protect his wife from prosecution. The court also held that sufficient factual bases supported his guilty pleas to two counts of attempted voluntary manslaughter, including his Alford plea, and affirmed the convictions.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Justice; Hill, C.J.; Golden, J.; Kite, J.; Voigt, J.; Sanderson, D.J.
JURISDICTION	Wyoming
DECIDED	June 28, 2005
DOCKET	No. 04-112
DISPOSITION	affirmed
PROCEDURAL POSTURE	Maes appealed his convictions and sentences after entering guilty pleas in three separate criminal proceedings, challenging the voluntariness of the pleas and the factual basis for his two attempted voluntary manslaughter pleas.
STANDARD OF REVIEW	Claims that a guilty plea was not voluntary are reviewed de novo. The voluntariness inquiry considers the totality of the circumstances, including whether the defendant understood the nature of the charges, possible penalties, rights to representation, rights waived by pleading guilty, and the consequences of the plea. Compliance with W.R.Cr.P. 11(d) must be strict, and any deviation must be harmless beyond a reasonable doubt or the defendant must be allowed to enter a new plea. The factual-basis issue is governed by W.R.Cr.P. 11(f), which requires the court to satisfy itself that a factual basis exists, a standard lower than proof beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion
PARTIES	Eli Maes v. The State of Wyoming

TOPICS

plea bargaining

criminal procedure

appellate procedure

standard of review

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether Maes's guilty pleas were voluntary when the plea agreement included benefits for his wife and protection from potential federal charges.
2. Whether a sufficient factual basis existed for Maes's guilty pleas to two counts of attempted voluntary manslaughter despite his statements that he did not intend to kill or hurt anyone.

HOLDINGS

1. A guilty plea is not involuntary merely because the defendant was motivated in part by a desire to protect a family member, where the record shows compliance with W.R.Cr.P. 11(d), awareness of the plea's direct consequences, and no threats, misrepresentation, improper promises, or manufactured charges against the family member.
2. A sufficient factual basis existed for Maes's guilty pleas to attempted voluntary manslaughter because the court could rely on the State's proffered witness and circumstantial evidence, together with Maes's admissions that he possessed and pointed the gun, even though he denied intending to kill or hurt anyone.

KEY QUOTATIONS

“we hold Mr. Maes has failed to establish that his plea was involuntary.” (§ 18)

“From Mr. Maes' own statements and from inferences made from circumstances surrounding the crime, we hold the factual basis was sufficient to support acceptance of the plea.” (§ 28)

FACTUAL BACKGROUND

Maes was charged with receiving a stolen concrete chop saw, two counts arising from pointing a gun at his wife and a friend and threatening to kill them, and solicitation to commit perjury based on a recorded conversation with his wife. Pursuant to a plea agreement, the State reduced the attempted second-degree murder charges to attempted voluntary manslaughter, agreed not to pursue conspiracy-to-commit-perjury charges against Maes's wife, and agreed to seek federal authorities' agreement not to file federal charges against him. At the plea hearing, Maes acknowledged possessing and pointing the gun but denied intending to kill or hurt anyone; the State proffered witness and circumstantial evidence that he pointed the gun, pulled the trigger, worked the slide, and threatened to kill the victims.

PROCEDURAL HISTORY

Maes initially pleaded not guilty to charges of receiving stolen property, attempted second-degree murder, and solicitation to commit perjury. Under a plea agreement, he pleaded guilty to receiving stolen property, two counts of attempted voluntary manslaughter, and solicitation to commit perjury. The district court imposed concurrent and consecutive terms of imprisonment, and Maes appealed. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Bird v. State, 939 P.2d 735, 737 (Wyo. 1997)
- Van Haele v. State, 2004 WY 59, ¶¶ 12-13, 27, 90 P.3d 708 (Wyo. 2004)
- Herrera v. State, 2003 WY 25, ¶ 17, 64 P.3d 724 (Wyo. 2003)
- Major v. State, 2004 WY 4, ¶¶ 11, 23, 83 P.3d 468 (Wyo. 2004)
- Britain v. State, 497 P.2d 543, 544 (Wyo. 1972)
- Rodriguez v. State, 917 P.2d 172, 175 (Wyo. 1996)
- Miles v. Dorsey, 61 F.3d 1459, 1469 (10th Cir. 1995)
- United States v. Bellazerius, 24 F.3d 698, 704 (5th Cir. 1994)
- United States v. Bartoli, 572 F.2d 188 (8th Cir. 1978)
- United States v. Vest, 125 F.3d 676 (8th Cir. 1997)
- United States v. Armas, 11 Fed. Appx. 899 (9th Cir. 2001)
- Sami v. State, 2004 WY 23, ¶¶ 9, 12, 85 P.3d 1014 (Wyo. 2004)
- Johnston v. State, 829 P.2d 1179, 1181 (Wyo. 1992)
- North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970)