

SUPREME COURT OF MISSOURI

State of Missouri v. Donald R. Nash

339 S.W.3d 500 (Mo. banc 2011) · No. SC 90649 · Decided May 17, 2011

SUMMARY

The Supreme Court of Missouri affirmed Donald R. Nash’s conviction for the 1982 murder of Judy Spencer. The court held that Nash could be prosecuted under the pre-1984 capital-murder statute, that the evidence—including DNA found under the victim’s fingernails—was sufficient, and that the trial court was not required to give the former circumstantial-evidence instruction. The opinion also addresses the admissibility of evidence concerning third-person guilt under Missouri’s direct-connection rule.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Mary R. Russell
JURISDICTION	Missouri
DECIDED	May 17, 2011
DOCKET	SC 90649
DISPOSITION	affirmed
PROCEDURAL POSTURE	Nash appealed his jury conviction for capital murder and sentence of life imprisonment without the possibility of probation or parole for 50 years. The Supreme Court of Missouri transferred the appeal on its own motion under Missouri Constitution article V, section 10 and affirmed the judgment.
STANDARD OF REVIEW	Statutory-construction and constitutional challenges are reviewed de novo. Sufficiency of the evidence is reviewed to determine whether, viewing the evidence and reasonable inferences in the light most favorable to the verdict and disregarding contrary evidence and inferences, any rational factfinder could have found the essential elements beyond a reasonable doubt. Claims of instructional error are reviewed for prejudice, and reversal is warranted only if the error misled the jury and deprived the defendant of a fair trial. Evidentiary rulings are reviewed for abuse of discretion; reversal requires prejudice affecting the fairness or outcome of the trial.

PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Missouri, decided en banc
PARTIES	Donald R. Nash v. State of Missouri

TOPICS

criminal procedure evidence statutory interpretation jury instructions reasonable doubt

PRACTICE AREAS

criminal law criminal procedure evidence appellate jurisdiction statutory interpretation

QUESTIONS PRESENTED

1. Whether Nash could be prosecuted under section 565.001, RSMo 1978, for a murder committed in 1982 even though that statute was repealed in 1983 and the prosecution commenced later.
2. Whether the evidence, including DNA evidence and other circumstantial evidence, was sufficient to support Nash's murder conviction.
3. Whether refusing to give the pre-1982 circumstantial-evidence jury instruction violated Nash's rights or otherwise constituted reversible error.
4. Whether Missouri's direct-connection rule for evidence suggesting third-person guilt is constitutional.
5. Whether the trial court abused its discretion by excluding evidence that Anthony Lambert Feldman had motive and opportunity to commit the murder.

HOLDINGS

1. Nash's prosecution under section 565.001, RSMo 1978, was proper. The 1983 statutory changes did not decriminalize murders committed before the effective date of the new chapter 565, and the applicable law for the 1982 offense permitted prosecution under the law existing when the offense occurred.
2. The evidence was sufficient for a rational juror to find Nash guilty beyond a reasonable doubt.
3. The trial court did not commit reversible error by refusing to give the pre-1982 circumstantial-evidence instruction. The reasonable-doubt instruction accurately stated the State's burden, and the abandoned circumstantial-evidence instruction stated the same standard and would have been confusing and redundant.
4. The direct-connection rule is constitutional because it serves legitimate interests in preventing confusion and reducing the risk of misleading the jury. The trial court properly excluded evidence concerning Feldman because it did not directly connect him to Spencer's murder and consisted of remote or speculative circumstances.

KEY QUOTATIONS

“Statutes cannot be interpreted in ways that yield unreasonable or absurd results” (339 S.W.3d at 508)

“When reviewing the sufficiency of evidence supporting a criminal conviction, the Court does not act as a ‘super juror’ with veto powers, but gives great deference to the trier of fact.” (339 S.W.3d at 509)

“A different rule stating the same standard is confusing and redundant.” (339 S.W.3d at 512)

“It is not arbitrary to exclude evidence that does not directly connect a third person to the charged crime.” (339 S.W.3d at 513-514)

FACTUAL BACKGROUND

Judy Spencer was strangled and then shot after spending the evening of March 10, 1982, drinking and arguing with Nash, her boyfriend and housemate. Nash gave investigators an account of his activities that conflicted with testimony placing him near Spencer's location late that night, and he made statements reflecting anger toward her. In 2007, DNA testing found Nash's DNA under Spencer's fingernails, with no DNA profile from a third person. The prosecution also relied on circumstantial evidence concerning Nash's conduct before and after Spencer's death.

PROCEDURAL HISTORY

Nash was charged under section 565.001, RSMo 1978, for the 1982 murder of Judy Spencer. After a jury convicted him, the trial court imposed a sentence of life imprisonment without probation or parole for 50 years. On appeal, he challenged the statutory basis for prosecution, the sufficiency of the evidence, refusal to give a circumstantial-evidence instruction, and exclusion of third-person-guilt evidence. The Supreme Court of Missouri transferred the case and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Brizendine v. Conrad*, 71 S.W.3d 587, 593 (Mo. banc 2002)
- *Leahy v. Leahy*, 858 S.W.2d 221, 228 (Mo. banc 1993)
- *Big Boys Steel Erection, Inc. v. Hercules Construction Co.*, 765 S.W.2d 684, 687 (Mo. App. 1989)
- *Kuyper v. Stone County Commission*, 838 S.W.2d 436, 438-39 (Mo. banc 1992)
- *Tribune Publishing Co. v. Curators of the University of Missouri*, 661 S.W.2d 575, 583 (Mo. App. 1983)
- *School District of Kansas City v. State*, 317 S.W.3d 599, 604 (Mo. banc 2010)
- *State v. Bateman*, 318 S.W.3d 681, 686-87 (Mo. banc 2010)
- *State v. Chaney*, 967 S.W.2d 47, 52 (Mo. banc 1998)
- *State v. Freeman*, 269 S.W.3d 422, 425 (Mo. banc 2008)
- *State v. Grim*, 854 S.W.2d 403, 405-08 (Mo. banc 1993)
- *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 390 (1798)
- *Carmell v. Texas*, 529 U.S. 513, 532-33 (2000)
- *State v. Hampton*, 959 S.W.2d 444, 450 (Mo. banc 1997)

- State v. Avery, 275 S.W.3d 231, 233 (Mo. banc 2009)
- State v. Anderson, 306 S.W.3d 529, 534 (Mo. banc 2010)
- Drury v. Missouri Pacific Railroad Co., 905 S.W.2d 138, 146 (Mo. App. 1995)
- State v. Rousan, 961 S.W.2d 831, 848 (Mo. banc 1998)
- Holmes v. South Carolina, 547 U.S. 319, 324, 326-27, 330-31 (2006)
- United States v. Scheffer, 523 U.S. 303, 308 (1998)
- Washington v. Texas, 388 U.S. 14 (1967)
- Chambers v. Mississippi, 410 U.S. 284 (1973)
- Crane v. Kentucky, 476 U.S. 683 (1986)
- Rock v. Arkansas, 483 U.S. 44 (1987)