

SUPREME COURT OF DELAWARE

Manley v. State; Stevenson v. State

918 A.2d 321 (Del. 2007) · No. Nos. 75/82, 2006; 76/86, 2006 · Decided January 3, 2007

SUMMARY

The Delaware Supreme Court affirmed the death sentences imposed on Michael R. Manley and David Stevenson for the murder of a witness scheduled to testify against Stevenson. The court rejected challenges to the use of an accomplice-liability instruction during the penalty phase and to the defendants' eligibility for capital punishment under Enmund and Tison. The court also upheld the evidence supporting the statutory aggravating circumstances and concluded that the sentences were neither arbitrary nor disproportionate.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Ridgely, Justice; Steele, Chief Justice; Holland, Justice; Berger, Justice; Jacobs, Justice
JURISDICTION	Delaware
DECIDED	January 3, 2007
DOCKET	Nos. 75/82, 2006; 76/86, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated appeals from the Superior Court's imposition of death sentences after a second penalty hearing for first-degree murder and related convictions.
STANDARD OF REVIEW	The accomplice-liability-instruction and Enmund/Tison claims were reviewed de novo. The denial of Manley's motion for judgment of acquittal was reviewed de novo to determine whether any rational trier of fact, viewing the evidence in the light most favorable to the State, could find the relevant aggravators beyond a reasonable doubt. The Court independently reviewed the death sentences under 11 Del. C. § 4209(g) for evidentiary support, arbitrariness or capriciousness, and proportionality.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Delaware, decided en banc.
PARTIES	Michael R. Manley, David Stevenson v. State of Delaware

TOPICS

sentencing cruel and unusual punishment criminal procedure post-conviction relief appellate procedure

PRACTICE AREAS

criminal law capital sentencing post-conviction relief appellate procedure

QUESTIONS PRESENTED

1. Whether the Superior Court committed reversible error by explaining accomplice liability to the second penalty-phase jury.
2. Whether *Enmund v. Florida* and *Tison v. Arizona* required submission of proposed interrogatories concerning the defendants' eligibility for the death penalty.
3. Whether sufficient evidence supported the statutory aggravating circumstances found as to Manley.
4. Whether the defendants' death sentences were arbitrarily or capriciously imposed or disproportionate under Delaware's statutory capital-sentence review.

HOLDINGS

1. The Superior Court did not commit reversible error by explaining accomplice liability to the second penalty-phase jury because, viewed in the context of the entire charge, the explanation provided necessary background and did not authorize the jury to impose vicarious liability for statutory or nonstatutory aggravators.
2. *Enmund* and *Tison* did not preclude either defendant's death sentence, and the Superior Court did not err by refusing to submit separate *Enmund/Tison* interrogatories.
3. Sufficient evidence supported the jury's findings that Heath was killed to prevent his testimony, that Manley committed the murder as Stevenson's agent, and that the murder was premeditated and the result of substantial planning.
4. The death sentences were not arbitrarily or capriciously imposed and were not disproportionate to sentences imposed in similar Delaware capital cases.

KEY QUOTATIONS

“major participation in the felony committed, combined with reckless indifference to human life, is sufficient to satisfy the Enmund culpability requirement.” (327)

“The sentences of death were not imposed or recommended arbitrarily or capriciously and they are consistent with other cases involving a deliberate, cold-blooded, execution-style killing of a defenseless victim.” (331)

FACTUAL BACKGROUND

Kristopher Heath, a Macy's security investigator scheduled to testify against Stevenson in a theft prosecution, was shot five times and killed outside his residence on the morning of his scheduled testimony. Witnesses saw a black male flee in a blue vehicle registered to Stevenson, and police later apprehended Stevenson and Manley

after the vehicle fled and its occupants ran on foot. Manley matched eyewitness descriptions of the shooter, and a note containing the name and contact information of another investigator scheduled to testify against Stevenson was found in the police vehicle that transported Stevenson. The penalty-phase evidence also showed planning, including surveillance near Heath's residence and evidence suggesting that both investigators may have been targeted.

PROCEDURAL HISTORY

After a joint trial, a jury convicted both defendants of first-degree murder and related offenses, and the Superior Court imposed death sentences following the original penalty phase. The death sentences were affirmed on direct appeal, but this Court later vacated the sentence in post-conviction proceedings and ordered a new penalty hearing. After the second penalty hearing, the jury found statutory aggravating circumstances and recommended death for both defendants; the Superior Court imposed death sentences, which the defendants appealed.

DISPOSITION

affirmed

CASES CITED

- *Enmund v. Florida*, 458 U.S. 782 (1982)
- *Tison v. Arizona*, 481 U.S. 137 (1987)
- *Floray v. State*, 720 A.2d 1132 (Del. 1998)
- *Childress v. State*, 721 A.2d 929 (Del. 1998)
- *Dawson v. State*, 581 A.2d 1078 (Del. 1990)
- *Boyde v. California*, 494 U.S. 370 (1990)
- *Priest v. State*, 879 A.2d 575 (Del. 2005)
- *Couch v. State*, 823 A.2d 491 (Del. 2003)
- *Swan v. State*, 820 A.2d 342 (Del. 2003)
- *Red Dog v. State*, 616 A.2d 298 (Del. 1992)
- *Ortiz v. State*, 869 A.2d 285 (Del. 2005)
- *Ploof v. State*, 856 A.2d 539 (Del. 2004)
- *Pennell v. State*, 604 A.2d 1368 (Del. 1992)
- *DeShields v. State*, 534 A.2d 630 (Del. 1987)
- *Manley v. State*, 709 A.2d 643 (Del. 1998)
- *Stevenson v. State*, 709 A.2d 619 (Del. 1998)
- *Stevenson v. State*, 782 A.2d 249 (Del. 2001)
- *Ring v. Arizona*, 536 U.S. 584 (2002)
- *Manley v. State*, 846 A.2d 238 (Del. 2004) (Table)

