

SUPREME COURT OF HAWAI‘I

State v. Martinez

101 Hawai‘i 332, 68 P.3d 606 (2003) · No. No. 24993 · Decided April 30, 2003

SUMMARY

The Supreme Court of Hawaii affirmed David C. Martinez’s conviction for reckless manslaughter by omission arising from the death of a two-year-old child. The court held that sufficient evidence supported the conviction, that expert testimony concerning battered child syndrome was admissible, and that the circuit court properly denied Martinez’s motion to dismiss based on preindictment delay.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Hawai‘i                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Levinson, J.; Moon, C.J.; Nakayama, J.; Alm, Circuit Judge, assigned in place of Acoba, J.; Sakamoto, Circuit Judge, assigned by reason of vacancy                                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | Hawaii                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DECIDED               | April 30, 2003                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| DOCKET                | No. 24993                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Martinez appealed his judgment of conviction for reckless manslaughter by omission and his ten-year sentence, including a mandatory minimum term of three years and four months.                                                                                                                                                                                                                                                                                                            |
| STANDARD OF REVIEW    | Sufficiency of the evidence is reviewed by considering the evidence in the strongest light for the prosecution and asking whether substantial evidence supports the conviction. Evidentiary rulings based on relevance under Hawai‘i Rules of Evidence Rules 401 and 402 are reviewed under the right/wrong standard. A denial of a motion to dismiss for preindictment delay is reviewed under clearly erroneous review for factual findings and right/wrong review for legal conclusions. |
| PRECEDENTIAL VALUE    | Published opinion; precedential decision of the Supreme Court of Hawai‘i.                                                                                                                                                                                                                                                                                                                                                                                                                   |
| PARTIES               | David C. Martinez v. State of Hawai‘i                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## TOPICS

criminal procedure evidence relevance due process

## PRACTICE AREAS

criminal law criminal procedure evidence constitutional law

## QUESTIONS PRESENTED

1. Whether substantial evidence supported Martinez’s conviction for reckless manslaughter by omission.
2. Whether the circuit court plainly erred by admitting expert testimony that Natasha suffered from battered child syndrome when the prosecution could not directly link all of her prior injuries to Martinez.
3. Whether the circuit court erred in denying Martinez’s motion to dismiss the indictment for unconstitutional preindictment delay and in failing to make essential findings under HRPP Rule 12(e).

## HOLDINGS

1. Substantial evidence supported Martinez’s conviction because the evidence permitted the circuit court to find that Natasha suffered an inflicted injury, that Martinez was present when the injury occurred and knew she was injured, that he had a legal duty to obtain medical care, and that he recklessly caused her death by delaying medical assistance.
2. Expert testimony that Natasha suffered from battered child syndrome was relevant and admissible in a prosecution for an offense involving the breach of a legal duty to obtain timely medical treatment for an injured child, even though the prosecution could not directly link the prior injuries to Martinez.
3. The circuit court properly denied Martinez’s motion to dismiss for preindictment delay because Martinez failed to establish substantial prejudice to his ability to receive a fair trial.

## KEY QUOTATIONS

*“evidence of BCS is admissible in a trial in which a defendant is charged with an offense implicating the breach of a legal duty to seek and obtain timely medical treatment for an injured child in order to prove that the child's injury was not accidental, regardless of whether the prosecution is able to link the child's prior injuries directly to the defendant.” (617)*

*“If the defendant fails "to establish substantial prejudice to his [or her] right to a fair trial, [however,] there is no imperative to consider the reasons for prosecutorial delay.” (617-618)*

## FACTUAL BACKGROUND

Two-year-old Natasha Faufata arrived at a Honolulu fire station in cardiopulmonary arrest, severely hypothermic, and with multiple injuries. Medical experts testified that her brain injury and other conditions were inconsistent with Martinez’s account that she had recently choked on a doughnut, and they concluded that she had suffered inflicted asphyxia and battered child syndrome. Martinez had been with Natasha during the relevant period but waited several hours before seeking medical assistance. The circuit court found that he knew of the injury, had a legal duty to seek timely medical care, and recklessly caused her death by omission.

**PROCEDURAL HISTORY**

An O‘ahu grand jury indicted Martinez for second-degree murder arising from the death of a two-year-old child. The circuit court denied his motion to dismiss for preindictment delay, admitted expert testimony concerning battered child syndrome, and after a jury-waived trial convicted him of the included offense of reckless manslaughter by omission. The Supreme Court of Hawai‘i affirmed the conviction and sentence.

**DISPOSITION**

affirmed

**CASES CITED**

- State v. Batson, 73 Haw. 236, 831 P.2d 924 (1992)
- State v. Silva, 75 Haw. 419, 864 P.2d 583 (1993)
- State v. Matias, 74 Haw. 197, 840 P.2d 374 (1992)
- State v. Aplaca, 74 Haw. 54, 837 P.2d 1298 (1992)
- In Interest of John Doe, Born on January 5, 1976, 76 Hawai‘i 85, 869 P.2d 1304 (1994)
- State v. Valdivia, 95 Hawai‘i 465, 24 P.3d 661 (2001)
- Kealoha v. County of Hawai‘i, 74 Haw. 308, 844 P.2d 670 (1993)
- State v. Toro, 77 Hawai‘i 340, 884 P.2d 403 (Haw. Ct. App. 1994)
- State v. Kupihea, 80 Hawai‘i 307, 909 P.2d 1122 (1996)
- State v. Staley, 91 Hawai‘i 275, 982 P.2d 904 (1999)
- Tabieros v. Clark Equip. Co., 85 Hawai‘i 336, 944 P.2d 1279 (1997)
- State v. Arceo, 84 Hawai‘i 1, 928 P.2d 843 (1996)
- State v. Cordeiro, 99 Hawai‘i 390, 56 P.3d 692 (2002)
- State v. Hutch, 75 Haw. 307, 861 P.2d 11 (1993)
- State v. Doe Parents v. State, Department of Education, 100 Hawai‘i 34, 58 P.3d 545 (2002)
- In re Jane Doe, Born on June 20, 1995, 95 Hawai‘i 183, 20 P.3d 616 (2001)
- State v. Birdsall, 88 Hawai‘i 1, 960 P.2d 729 (1998)
- State v. Clark, 83 Hawai‘i 289, 926 P.2d 194 (1996)
- State v. Faufata, 101 Hawai‘i 256, 66 P.3d 785 (Haw. Ct. App. 2003)
- Estelle v. McGuire, 502 U.S. 62, 112 S. Ct. 475, 116 L. Ed. 2d 385 (1991)
- State v. Durfee, 322 N.W.2d 778 (Minn. 1982)
- People v. Henson, 33 N.Y.2d 63, 349 N.Y.S.2d 657, 304 N.E.2d 358 (1973)
- State v. Elliott, 344 N.C. 242, 475 S.E.2d 202 (1996)
- State v. Lopez, 306 S.C. 362, 412 S.E.2d 390 (1991)
- State v. Holland, 346 N.W.2d 302 (S.D. 1984)
- State v. Tanner, 675 P.2d 539 (Utah 1983)
- State v. Doporto, 935 P.2d 484 (Utah 1997)

- State v. Carvalho, 79 Hawai‘i 165, 880 P.2d 217 (Haw. Ct. App. 1994)
- United States v. Lovasco, 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d 752 (1977)
- State v. English, 61 Haw. 12, 594 P.2d 1069 (1978)
- State v. Weeks, 137 N.H. 687, 635 A.2d 439 (1993)
- State v. Krinitt, 251 Mont. 28, 823 P.2d 848 (1991)
- State v. Nihipali, 64 Haw. 65, 637 P.2d 407 (1981)
- State v. Cabral, 8 Haw. App. 506, 810 P.2d 672 (1991)

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