

SUPREME COURT OF CALIFORNIA

People v. Halvorsen

42 Cal. 4th 379, 165 P.3d 512, 64 Cal. Rptr. 3d 721 (Cal. 2007) · No. S008112 · Decided August 30, 2007

SUMMARY

The Supreme Court of California reviewed Arthur Hans Halvorsen's convictions for two first degree murders, attempted murder, and assault with a firearm, as well as the related firearm-use and multiple-murder special-circumstance findings. The court affirmed the convictions and noncapital sentences, vacated one special-circumstance finding, and reversed the judgment imposing the death penalty.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Werdegar, J.; Kennard, J.
JURISDICTION	California
DECIDED	August 30, 2007
DOCKET	S008112
DISPOSITION	reversed
PROCEDURAL POSTURE	Automatic appeal from a judgment imposing convictions and capital and noncapital sentences following a jury trial, a mistrial during the first penalty phase, and a penalty retrial.
STANDARD OF REVIEW	The court reviewed competency issues under the substantial-evidence or reasonable-doubt standard; the mistrial determination for abuse of discretion; evidentiary and instructional rulings under applicable state-law standards and, where asserted, constitutional harmless-error standards; and the sufficiency of the evidence in the light most favorable to the judgment for substantial evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Arthur Hans Halvorsen v. The People

TOPICS

- criminal procedure
- sentencing
- double jeopardy
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court was required to declare a doubt and conduct competency proceedings during the guilt phase, before the penalty retrial, or during the penalty retrial.
2. Whether alleged violations involving expert testimony under Penal Code section 29 and restrictions on expert examination prejudiced the defense.
3. Whether the trial court erred by refusing instructions on involuntary manslaughter, mental disorder and voluntary intoxication, or unconsciousness.
4. Whether substantial evidence supported the findings that the Ferguson and Perez murders were deliberate and premeditated.
5. Whether one of the multiple-murder special-circumstance findings was legally superfluous.
6. Whether the trial court properly declared a mistrial after the first penalty jury deadlocked and whether the penalty retrial violated double jeopardy.
7. Whether substitution of a different judge during the first penalty-phase deliberations violated statutory or constitutional rights.
8. Whether the death sentence was legally valid under the remaining penalty-phase issues.

HOLDINGS

1. A trial court need not declare a doubt or conduct competency proceedings absent substantial evidence raising a reasonable or bona fide doubt that the defendant cannot understand the proceedings or assist counsel rationally. Evidence of mental illness, bizarre statements, rambling testimony, religious preoccupation, or potentially self-destructive conduct did not establish incompetence on this record.
2. Assuming without deciding that the prosecutor elicited testimony violating Penal Code section 29, any error was harmless because the expert repeatedly left the mental-state determination to the jury and the evidence of guilt and mental state was otherwise strong.
3. The trial court did not err by refusing instructions on involuntary manslaughter or unconsciousness because the record contained no substantial evidence that Halvorsen lacked awareness of his criminal actions or lacked malice.
4. Substantial evidence supported the jury's findings that the Ferguson and Perez murders were deliberate and premeditated.
5. One of the two multiple-murder special-circumstance findings was erroneously charged and found true and had to be vacated as superfluous.
6. The trial court acted within its discretion in declaring a mistrial after the first penalty jury deadlocked, and the penalty retrial was not barred by double jeopardy.

KEY QUOTATIONS

“Both the due process clause of the Fourteenth Amendment to the United States Constitution and state law require a trial judge to suspend proceedings and conduct a competency hearing whenever the court is presented with substantial evidence of incompetence, that is, evidence that raises a reasonable or bona fide doubt concerning the defendant’s competence to stand trial.” (42 Cal. 4th at 739)

“To constitute’ a defense, unconsciousness need not rise to the level of coma or inability to walk or perform manual movements; it can exist “where the subject physically acts but is not, at the time, conscious of acting.”” (42 Cal. 4th at 753)

“A senseless, random, but premeditated, killing supports a verdict of first degree murder.” (42 Cal. 4th at 757)

FACTUAL BACKGROUND

On March 31, 1985, Halvorsen shot four men in three incidents in Long Beach and the surrounding area, killing Calvin Ferguson and Vicente Perez and injuring Benjamin Alcala and Eugene Layton. The prosecution presented the shootings as premeditated and deliberate; the defense relied on Halvorsen's bipolar disorder, psychosis, heavy alcohol use, and financial pressures. Halvorsen admitted shooting the victims, including intentionally killing Ferguson and Perez, while disputing or minimizing some aspects of the events.

PROCEDURAL HISTORY

A jury convicted Halvorsen of two counts of first degree murder, attempted murder, and assault with a firearm, and found firearm-use and multiple-murder special-circumstance allegations true. The jury imposed life without parole for one murder and deadlocked on the penalty for the other; the trial court declared a mistrial as to that penalty, and a second jury imposed death. The California Supreme Court affirmed the convictions and noncapital sentences, vacated one superfluous multiple-murder special-circumstance finding, and reversed the judgment imposing death.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The convictions and noncapital sentences were affirmed, one multiple-murder special-circumstance finding was vacated, and the judgment imposing the sentence of death was reversed. The matter was remanded for further proceedings concerning the penalty.

CASES CITED

- Drope v. Missouri, 420 U.S. 162 (1975)
- Pate v. Robinson, 383 U.S. 375 (1966)
- People v. Blair, 36 Cal. 4th 686 (2005)
- Dusky v. United States, 362 U.S. 402 (1960)
- People v. Koontz, 27 Cal. 4th 1041 (2002)

- People v. Lauder milk, 67 Cal. 2d 272 (1967)
- Faretta v. California, 422 U.S. 806 (1975)
- People v. Smithey, 20 Cal. 4th 936 (1999)
- People v. Watson, 46 Cal. 2d 818 (1956)
- Chapman v. California, 386 U.S. 18 (1967)
- People v. Breverman, 19 Cal. 4th 142 (1998)
- People v. Saille, 54 Cal. 3d 1103 (1991)
- People v. Coogler, 71 Cal. 2d 153 (1969)
- People v. Newton, 8 Cal. App. 3d 359 (1970)
- People v. Wilson, 66 Cal. 2d 749 (1967)
- People v. Bridgehouse, 47 Cal. 2d 406 (1956)
- People v. Hillhouse, 27 Cal. 4th 469 (2002)
- People v. Anderson, 70 Cal. 2d 15 (1968)
- People v. Young, 34 Cal. 4th 1149 (2005)
- People v. Thomas, 2 Cal. 4th 489 (1992)
- People v. Avena, 13 Cal. 4th 394 (1996)
- People v. Rodriguez, 42 Cal. 3d 730 (1986)
- People v. Harris, 36 Cal. 3d 36 (1984)
- Brown v. Sanders, 546 U.S. 212 (2006)
- United States v. Perez, 22 U.S. (9 Wheat.) 579 (1824)
- People v. Rojas, 15 Cal. 3d 540 (1975)
- People v. Espinoza, 3 Cal. 4th 806 (1992)