

SUPREME COURT OF THE STATE OF WASHINGTON

State v. McEnroe, 181 Wn. 2d 375

333 P.3d 402 (2014) · No. No. 88410-2 (consolidated with No. 88411-1) · Decided September 5, 2013

SUMMARY

The Washington Supreme Court reviewed the trial court's dismissal of notices of special death penalty sentencing proceedings in the cases of Joseph T. McEnroe and Michele Kristen Anderson. The court held that RCW 10.95.040 permits a prosecutor to consider the strength of the State's evidence, along with mitigating circumstances and other case-specific factors, when deciding whether to file such a notice. The court reversed and remanded with instructions to reinstate the notices, declining to reach the parties' separation-of-powers arguments.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Wiggins, J.
JURISDICTION	Washington
DECIDED	September 5, 2013
DOCKET	No. 88410-2 (consolidated with No. 88411-1)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought discretionary and direct review of the trial court's order dismissing notices of special death penalty sentencing proceedings. The cases were certified for transfer by the Court of Appeals, consolidated, and reviewed en banc.
STANDARD OF REVIEW	De novo review of statutory interpretation and constitutional questions.
PRECEDENTIAL VALUE	published precedential Washington Supreme Court decision
PARTIES	State of Washington v. Joseph T. McEnroe, Michele Kristen Anderson

TOPICS

sentencing

statutory interpretation

equal protection

appellate procedure

criminal procedure

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

constitutional law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether RCW 10.95.040 permits a prosecutor to consider the strength of the State's evidence when deciding whether to file a notice of a special death penalty sentencing proceeding.
2. Whether consideration of the strength of the evidence, together with individualized consideration of mitigating circumstances and other case-specific factors, violates equal protection.
3. Whether the court should decide the parties' separation-of-powers challenge to Washington's capital punishment scheme.

HOLDINGS

1. RCW 10.95.040 permits prosecutors to consider the strength of the State's evidence, along with the facts and circumstances of the crime and mitigating information, when determining whether there is reason to believe that mitigating circumstances are insufficient to merit leniency.
2. A prosecutor does not violate equal protection by making an individualized decision whether to seek capital punishment based on mitigating factors, the facts and circumstances of the crime, the strength of the evidence, and other case-specific considerations, so long as the decision is not governed by an inflexible or standardless policy.
3. The court declined to reach the separation-of-powers issue because the case could be fairly resolved through statutory interpretation.

KEY QUOTATIONS

“We hold that the prosecuting attorney did not violate the statutory scheme.” (at 375-76)

“We hold that Washington prosecutors may consider the strength of evidence, along with the facts and circumstances of the crime, when they determine whether there are sufficient mitigating circumstances to merit leniency.” (at 11)

“For these reasons, we reverse the trial court and remand this matter with instructions to reinstate the notices of special sentencing proceeding so that the capital prosecutions against McEnroe and Anderson may finally proceed to trial.” (at 14)

FACTUAL BACKGROUND

On December 24, 2007, six members of the Anderson family were shot and killed in their Carnation, Washington, home. Michele Anderson and Joseph McEnroe initially told police they had gone to Las Vegas, but after questioning they changed their story and confessed to the murders. The prosecutor considered mitigation materials, the facts and circumstances of the crimes, and the strength of the State's evidence before filing notices seeking special death penalty sentencing proceedings.

PROCEDURAL HISTORY

McEnroe and Anderson were charged with six counts of aggravated first degree murder. After the prosecutor filed notices of special sentencing proceedings under RCW 10.95.040, the respondents moved to dismiss, arguing that the prosecutor improperly considered the strength of the evidence and thereby violated the statute, equal protection, and due process. The trial court granted the motion and struck the notices. The Supreme Court reversed and remanded with instructions to reinstate the notices so the prosecutions could proceed to trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the trial court's order striking the notices of special sentencing proceeding and reinstate the notices so that the capital prosecutions against McEnroe and Anderson may proceed to trial.

CASES CITED

- State v. Veliz, 176 Wn. 2d 849, 854, 298 P.3d 75 (2013)
- State v. Morales, 173 Wn. 2d 560, 567, 269 P.3d 263 (2012)
- State v. Kintz, 169 Wn. 2d 537, 547, 238 P.3d 470 (2010)
- State v. Davis, 175 Wn. 2d 287, 357, 290 P.3d 43 (2012)
- State v. Rupe, 101 Wn. 2d 664, 700, 683 P.2d 571 (1984)
- State v. Campbell, 103 Wn. 2d 1, 24-25, 691 P.2d 929 (1984)
- State v. Pirtle, 127 Wn. 2d 628, 642, 904 P.2d 245 (1995)
- In re Pers. Restraint of Harris, 111 Wn. 2d 691, 693, 763 P.2d 823 (1988)
- State v. Cross, 156 Wn. 2d 580, 625, 132 P.3d 80 (2006)
- State v. Benn, 120 Wn. 2d 631, 671, 845 P.2d 289 (1993)
- State v. Bartholomew, 104 Wn. 2d 844, 848-49, 710 P.2d 196 (1985)
- Cmty. Telecable of Seattle, Inc. v. City of Seattle, 164 Wn. 2d 35, 41, 186 P.3d 1032 (2008)