

SUPREME COURT OF MINNESOTA

State v. Fort

768 N.W.2d 335 (Minn. 2009) · No. A08-0027 · Decided July 16, 2009

SUMMARY

The Minnesota Supreme Court reviewed Eugene Erick Fort’s convictions for first-degree premeditated murder and first-degree felony murder arising from the stabbing death of an 11-year-old child. The court affirmed the premeditated-murder conviction, holding that the second search warrant was supported by probable cause, the evidence was sufficient to establish premeditation, and a new trial was not warranted based on alleged alternative-perpetrator evidence. The court vacated the felony-murder conviction because Minnesota law permits only one conviction for first-degree murder arising from a single homicide.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Chief Justice Magnuson
JURISDICTION	Minnesota
DECIDED	July 16, 2009
DOCKET	A08-0027
DISPOSITION	other
PROCEDURAL POSTURE	Direct appeal from convictions for first-degree premeditated murder and first-degree murder while committing burglary, following denial of a motion for a new trial based on newly discovered evidence.
STANDARD OF REVIEW	Probable-cause warrant determinations are reviewed with great deference to the issuing judge. Sufficiency of the evidence is reviewed in the light most favorable to the verdict. Denial of a new trial based on newly discovered evidence is reviewed for abuse of discretion. Omission of a lesser-included-offense instruction is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Eugene Erick Fort v. State of Minnesota

TOPICS

criminal procedure

search and seizure

probable cause

suppression of evidence

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate practice

QUESTIONS PRESENTED

1. Whether the second search warrant was supported by probable cause and whether the DNA evidence obtained during that search was admissible.
2. Whether the evidence was sufficient to prove premeditation for first-degree premeditated murder.
3. Whether Fort could be convicted and sentenced for two counts of first-degree murder arising from the death of one victim.
4. Whether the felony-murder jury instruction misstated the law.
5. Whether newly discovered alleged confessions by an alternative perpetrator required a new trial.
6. Whether the initial search warrant lacked probable cause.
7. Whether the jury should have received instructions on lesser-included offenses.

HOLDINGS

1. The second warrant was supported by probable cause because the application sought traces of blood and identified new information that previously unavailable BCA equipment could detect evidence not found during the first search.
2. The evidence was sufficient to support Fort's conviction for first-degree premeditated murder.
3. Fort could not be convicted of both first-degree premeditated murder and first-degree felony murder for the single murder of Potts; the felony-murder conviction had to be vacated.
4. The district court did not abuse its discretion by denying a new trial because the alleged Rice confessions were too doubtful and lacked sufficient credibility to warrant a different result.
5. The initial warrant was supported by probable cause because footprints led from the victim's home toward Fort's residence, establishing a direct connection between the crime and the place searched.
6. Fort was not entitled to instructions on second-degree unintentional murder or manslaughter because the evidence did not provide a rational basis for acquitting him of first-degree murder.

KEY QUOTATIONS

"A search warrant is supported by probable cause if there is a "fair probability that contraband or evidence of a crime will be found in a particular place."" (342)

"The affidavit provided "the issuing judge with new information sufficient to indicate that items sought, but not found, during prior searches will now be found."" (343)

"The planning activity here was verbalized; the burglar stated that he would kill Potts if he did not stop screaming, and then acted on his threat." (344)

"In order to be material, and not impeaching, cumulative, or doubtful, the confession of a purported alternative perpetrator must "come forward in a credible manner from a credible source."” (345)

FACTUAL BACKGROUND

On December 15, 1990, eleven-year-old Marcus Potts was stabbed forty-four times in his home in Minneapolis. Police followed footprints from the crime scene toward Fort's residence, obtained an initial search warrant, and later obtained a second warrant after acquiring equipment capable of detecting previously invisible blood; the second search revealed blood containing a DNA profile matching Potts. Several jail inmates testified that Fort confessed or made incriminating statements, while later witnesses claimed that Fort's cousin Rice had confessed to the murder.

PROCEDURAL HISTORY

A jury convicted Fort of both charged counts of first-degree murder and the district court sentenced him to life imprisonment without possibility of parole on both counts. During jury deliberations, Fort learned of alleged confessions by his cousin, Paul Rice, and moved for a new trial. After an evidentiary hearing, the district court denied the motion. Fort appealed, challenging the admission of DNA evidence from a second search, sufficiency of the evidence of premeditation, cumulative murder convictions and sentencing, the felony-murder jury instruction, the denial of a new trial, and other pro se issues.

DISPOSITION

other

CASES CITED

- State v. Wiley, 366 N.W.2d 265, 268 (Minn. 1985)
- Illinois v. Gates, 462 U.S. 213, 238 (1983)
- State v. Rochefort, 631 N.W.2d 802, 804 (Minn. 2001)
- State v. Souto, 578 N.W.2d 744, 749 (Minn. 1998)
- State v. Zanter, 535 N.W.2d 624, 632-34 (Minn. 1995)
- State v. Clark, 755 N.W.2d 241, 256 (Minn. 2008)
- State v. Leake, 699 N.W.2d 312, 319 (Minn. 2005)
- State v. Hughes, 749 N.W.2d 307, 312 (Minn. 2008)
- State v. Kendell, 723 N.W.2d 597, 605-06 (Minn. 2006)
- State v. Swain, 269 N.W.2d 707, 713-14 (Minn. 1978)
- State v. Cooper, 561 N.W.2d 175, 180 (Minn. 1997)
- State v. Johnson, 616 N.W.2d 720, 730 (Minn. 2000)
- Pippitt v. State, 737 N.W.2d 221, 226 (Minn. 2007)
- Race v. State, 417 N.W.2d 264, 266-67 (Minn. 1987)
- Wayne v. State, 747 N.W.2d 564, 566 (Minn. 2008)

- Wayne v. State, 498 N.W.2d 446, 448 (Minn. 1993)
- State v. Dahlin, 695 N.W.2d 588, 597-98 (Minn. 2005)

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