

SUPREME COURT OF WYOMING

Estrada-Sanchez v. State

66 P.3d 703 (Wyo. 2003) · No. No. 01-154 · Decided April 9, 2003

SUMMARY

The Supreme Court of Wyoming reviewed Jorge Estrada-Sanchez's convictions for two counts of conspiracy involving the delivery of methamphetamine. The court held that the evidence was sufficient to support Wyoming jurisdiction and the convictions under the jury instructions, but that the Information was constitutionally defective because it omitted an essential jurisdictional element. The court reversed the convictions and ordered dismissal of the charges without prejudice, with a dissent arguing that any variance was nonprejudicial.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Justice Golden; Chief Justice Hill; Justice Lehman; Justice Kite; Justice Voigt
JURISDICTION	Wyoming
DECIDED	April 9, 2003
DOCKET	No. 01-154
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed jury convictions on two counts of conspiracy with intent to deliver methamphetamine and an eight-to-ten-year sentence.
STANDARD OF REVIEW	For sufficiency of the evidence, the court viewed all evidence and reasonable favorable inferences in the light most favorable to the State and asked whether a rational jury could find guilt beyond a reasonable doubt. Variance was reviewed for whether it affected the defendant's substantial rights.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Jorge Estrada-Sanchez v. State of Wyoming

TOPICS

- criminal procedure
- appellate procedure
- due process
- sixth amendment
- preservation of error

PRACTICE AREAS

criminal procedure

constitutional law

criminal evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was insufficient to establish a conspiracy intended to have an effect in Park County, Wyoming, and therefore insufficient to support Wyoming subject-matter jurisdiction and the convictions.
2. Whether the jury's instruction permitting conviction based on a conspiracy formed elsewhere but intended to have an effect in Park County created a fatal variance from the Information.
3. Whether the Information was constitutionally defective because it omitted the element that the conspiracy was intended to have an effect in Wyoming.
4. Whether a detailed affidavit, jury instruction, or failure to obtain a bill of particulars cured or waived the defective Information.
5. Whether the appropriate remedy for the defective Information was reversal and dismissal without prejudice.

HOLDINGS

1. Sufficient evidence supported the jury's finding that the conspiracies were intended to result in possession and distribution of methamphetamine in Park County, Wyoming, and Wyoming courts therefore had subject-matter jurisdiction over the drug conspiracies.
2. The Information was fundamentally defective because it failed to allege an essential element of the charged conspiracy: that the conspiracy was intended to have an effect in Wyoming.
3. Neither the detailed affidavit nor the jury instruction cured the fundamentally defective Information, and the defendant did not waive the defect by failing to obtain a bill of particulars after requesting one.
4. The convictions must be reversed and the charges dismissed without prejudice.

KEY QUOTATIONS

“Sufficient evidence supports the jury's verdict based on the instructions to the jury that required a guilty verdict if the evidence showed a conspiracy that intended the drugs would be distributed in Park County, Wyoming.” (at 708)

“A bill of particulars, however, is not a part of an Information and cannot cure an Information that is fundamentally defective for the reason that it lacks an element of the offense.” (at 709)

“Similarly, the purpose of a jury instruction differs, and, therefore, cannot cure this defective Information because it was not a part of the Information nor did it serve to amend that Information.” (at 709)

FACTUAL BACKGROUND

Between March 1997 and February 1998, Chandel Smith and Lisa Lee made seven trips from Wyoming to California to see Estrada-Sanchez. On two trips, Estrada-Sanchez supplied them with methamphetamine, which

they transported to Wyoming for distribution; one transaction involved a later payment to Estrada-Sanchez from drug-sale proceeds. The other five trips were admitted as other-acts evidence to show a course of conduct.

PROCEDURAL HISTORY

A Park County, Wyoming, jury convicted Estrada-Sanchez of two conspiracy counts based on methamphetamine transactions initiated in California and resulting in distribution in Wyoming. He appealed, challenging jurisdiction, sufficiency of the evidence, variance between the Information and the proof, prosecutorial misconduct, and trial errors. The Wyoming Supreme Court held that the Information was constitutionally defective and reversed with instructions to reverse the convictions and dismiss the charges without prejudice.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the convictions and dismiss the charges without prejudice.

CASES CITED

- Black v. State, 2002 WY 72, ¶ 4, 46 P.3d 298, ¶ 4 (Wyo. 2002)
- Vanvorst v. State, 1 P.3d 1223, 1228 (Wyo. 2000)
- Harris v. State, 933 P.2d 1114, 1123 (Wyo. 1997)
- Blake v. State, 933 P.2d 474, 480 (Wyo. 1997)
- Marquez v. State, 12 P.3d 711, 715 (Wyo. 2000)
- Walston v. State, 954 P.2d 987, 988 (Wyo. 1998)
- Gonzales v. State, 551 P.2d 929, 933 (Wyo. 1976)
- Vernier v. State, 909 P.2d 1344, 1351 (Wyo. 1996)
- Stewart v. State, 724 P.2d 439, 440-41 (Wyo. 1986)
- Capshaw v. State, 11 P.3d 905, 910-11 (Wyo. 2000)
- Dunn v. United States, 442 U.S. 100, 105, 99 S. Ct. 2190, 2193-94, 60 L. Ed. 2d 743 (1979)
- United States v. Powell, 982 F.2d 1422, 1431 (10th Cir. 1992)
- United States v. McClatchey, 217 F.3d 823, 831 (10th Cir. 2000)
- Stoner v. United States, 98 F.3d 527, 536 (10th Cir. 1996)
- State v. Vangerpen, 125 Wash. 2d 782, 888 P.2d 1177, 1180-81 (1995)