

SUPREME COURT OF ARIZONA

State v. Brown, 212 Ariz. 225

129 P.3d 947 (2006) · No. CV-05-0263-PR · Decided March 16, 2006

SUMMARY

The Arizona Supreme Court held that the Sixth Amendment requires aggravating factors necessary to impose a sentence beyond the applicable presumptive term to be submitted to a jury and proved beyond a reasonable doubt, unless the defendant knowingly, voluntarily, and intelligently waives that right. The court further held that statements made during McMullen’s plea colloquy did not constitute a waiver or necessarily establish the alleged aggravating factors, and it remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Justice Hurwitz; Chief Justice Ruth V. McGregor; Vice Chief Justice Rebecca White Berch; Justice Michael D. Ryan; Justice W. Scott Bales
JURISDICTION	Arizona
DECIDED	March 16, 2006
DOCKET	CV-05-0263-PR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for special-action relief and sought review of whether a defendant's guilty plea and statements during the plea colloquy waived or satisfied the Sixth Amendment right to a jury determination of sentencing aggravating factors.
STANDARD OF REVIEW	De novo review of the constitutional and legal questions concerning the Sixth Amendment, guilty-plea waiver, and the effect of plea-colloquy admissions.
PRECEDENTIAL VALUE	Published, precedential en banc opinion of the Supreme Court of Arizona.
PARTIES	State of Arizona v. Jonathan McMullen

TOPICS

- sixth amendment
- sentencing
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

constitutional law

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether McMullen's guilty plea to reckless manslaughter implicitly waived his Sixth Amendment right to a jury trial on sentencing aggravating factors.
2. Whether McMullen's factual statements during the plea colloquy constituted admissions that permitted a sentencing judge to impose an aggravated sentence without jury findings.
3. Whether McMullen was entitled to a jury determination of the alleged aggravating factors before an aggravated sentence could be imposed.

HOLDINGS

1. A guilty plea that expressly waives jury trial on the charged offense does not, without more, waive the defendant's right to a jury trial on sentencing aggravating factors.
2. A defendant's statements during a plea colloquy do not eliminate the Sixth Amendment right to a jury determination of aggravating factors unless the guilty plea necessarily establishes those factors as elements of the offense or the defendant appropriately waives the jury right as to them.
3. McMullen retained the right to a jury trial on the alleged aggravating factors before an aggravated sentence could be imposed.

KEY QUOTATIONS

"We conclude that the Sixth Amendment requires that "any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt," unless a defendant has knowingly, voluntarily, and intelligently waived his right to jury trial with respect to aggravating factors." (212 Ariz. at 948, ¶ 1)

"the Sixth Amendment right to jury trial with respect to an aggravating factor necessary to impose a sentence remains inviolate unless the defendant's plea of guilty necessarily establishes the aggravating factor" (212 Ariz. at 953, ¶ 26)

FACTUAL BACKGROUND

Fourteen-year-old Jonathan McMullen was charged with the first-degree murder of his mother and attempted first-degree murder of his father and brother. He pleaded guilty to reckless manslaughter in exchange for dismissal of the other charges. During the plea colloquy, he described shooting his mother seven times and shooting his brother and father, but neither the plea agreement nor the colloquy expressly addressed waiver of a jury trial on sentencing aggravating factors.

PROCEDURAL HISTORY

McMullen pleaded guilty to reckless manslaughter in exchange for dismissal of murder and attempted-murder charges. The superior court concluded that the presumptive five-year sentence was the maximum authorized by

the plea alone, held the aggravation statutes unconstitutional, and ruled that McMullen's plea-colloquy statements did not waive his right to a jury trial on aggravating factors. The court of appeals held the aggravation statutes constitutional and ordered a sentencing jury, while affirming that McMullen retained his jury-trial right. The Arizona Supreme Court denied McMullen's petition, granted the State's cross-petition, affirmed the court of appeals insofar as it preserved the jury-trial right, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the superior court for further proceedings consistent with the opinion, including a jury determination of the alleged aggravating factors before imposition of an aggravated sentence.

CASES CITED

- Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000)
- Ring v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002)
- Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004)
- State v. Brown (McMullen), 205 Ariz. 325, 70 P.3d 454 (App. 2003)
- State v. Brown (McMullen), 209 Ariz. 200, 99 P.3d 15 (2004)
- State v. Brown (McMullen), 210 Ariz. 534, 115 P.3d 128 (App. 2005)
- State v. Towery, 186 Ariz. 168, 920 P.2d 290 (1996)
- Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)
- United States v. Gaudin, 515 U.S. 506, 115 S. Ct. 2310, 132 L. Ed. 2d 444 (1995)
- State v. Carreon, 210 Ariz. 54, 107 P.3d 900 (2005)
- Rose v. Clark, 478 U.S. 570, 106 S. Ct. 3101, 92 L. Ed. 2d 460 (1986)
- United Brotherhood of Carpenters & Joiners v. United States, 330 U.S. 395, 67 S. Ct. 775, 91 L. Ed. 973 (1947)
- State v. Martinez, 210 Ariz. 578, 115 P.3d 618 (2005)
- State v. Ring, 204 Ariz. 534, 65 P.3d 915 (2003)