

SUPREME COURT OF KANSAS

State v. Green, 274 Kan. 145

48 P.3d 1276 (2002) · No. No. 86,953 · Decided July 12, 2002

SUMMARY

The Kansas Supreme Court affirmed Tanner L. Green’s first-degree murder conviction, rejecting his challenge to the admission of photographs depicting the victim’s injuries. The court held that the photographs were relevant to establish the nature and cause of death and that their admission was not an abuse of discretion despite their gruesome nature.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	McFarland, C.J.
JURISDICTION	Kansas
DECIDED	July 12, 2002
DOCKET	No. 86,953
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury-trial conviction for first-degree murder, challenging the admission of photographs depicting the victim's injuries.
STANDARD OF REVIEW	Admission of photographs in a homicide case is reviewed for abuse of discretion. An abuse of discretion exists when photographs are unduly repetitious or cumulative, or when they are introduced solely to prejudice the defendant.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Tanner L. Green v. State of Kansas

TOPICS

- evidence
- relevance
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

- criminal law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting eight photographic slides depicting the victim's severe head and neck injuries.
2. Whether the admission of the crime-scene photograph marked Exhibit 33 was erroneous despite the absence of a trial objection.
3. Whether the fainting and subsequent incapacitation of a juror warranted a mistrial.

HOLDINGS

1. The trial court did not abuse its discretion by admitting the photographic slides because they were relevant and material to the medical examiner's testimony concerning the nature, extent, and cause of the victim's injuries and were not admitted solely to prejudice the defendant.
2. The admission of Exhibit 33 did not constitute an abuse of discretion, and the defendant's challenge was also weakened because he did not object to its admission at trial.
3. The trial court did not err by denying a mistrial after a juror fainted, struck his head, and was replaced by an alternate juror.

KEY QUOTATIONS

"Gruesome crimes result in gruesome photographs." (148)

"Defendant does not even come close to establishing that the admission of the complained-of photographic evidence constituted an abuse of judicial discretion." (148)

FACTUAL BACKGROUND

Janice Vrendenburg was found dead in her Wichita home after suffering at least eleven blunt-force blows to the head and multiple sharp-force movements across her neck that nearly severed her head. The State sought to introduce eight slides taken during the autopsy to establish the nature and extent of the injuries and to assist the medical examiner in explaining the cause and manner of death. During the medical examiner's testimony, a juror fainted, struck his head, and was replaced by an alternate juror.

PROCEDURAL HISTORY

The trial court admitted eight autopsy-time photographic slides after conducting a hearing outside the jury's presence. Defendant objected to the slides and moved for a mistrial after a juror became ill and was replaced by an alternate; the mistrial motion was denied. The Supreme Court of Kansas reviewed the admission of the photographs for abuse of discretion and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Bell, 273 Kan. 49, 41 P.3d 783 (2001)
- State v. Verge, 272 Kan. 501, 515, 34 P.3d 449, 458 (2001)
- State v. Deal, 271 Kan. 483, 493, 23 P.3d 840 (2001)
- State v. Groschang, 272 Kan. 652, 667, 36 P.3d 231 (2001)

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