

SUPREME COURT OF MISSOURI

State of Missouri v. Luis Zetina-Torres

482 S.W.3d 801 (Mo. banc 2016) · No. SC95194 · Decided March 1, 2016

SUMMARY

The Missouri Supreme Court affirmed Luis Zetina-Torres’s conviction for second-degree drug trafficking. The court held that sufficient circumstantial evidence established his knowledge and control of methamphetamine found in a truck and supported accomplice liability. The court also rejected his preserved and unpreserved challenges to the verdict-directing jury instruction.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	George W. Draper III
JURISDICTION	Missouri
DECIDED	March 1, 2016
DOCKET	SC95194
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a circuit court judgment convicting Luis Zetina-Torres of second-degree drug trafficking and sentencing him to life imprisonment. The Supreme Court of Missouri transferred the case after an opinion by the Missouri Court of Appeals, Western District.
STANDARD OF REVIEW	For sufficiency of the evidence, the court accepts as true all evidence tending to prove guilt and all reasonable inferences supporting the verdict, disregards contrary evidence and inferences, and determines whether any rational fact-finder could have found the essential elements beyond a reasonable doubt. Unpreserved instructional-error claims are reviewed for plain error; plain error exists when the court so misdirected or failed to instruct the jury that manifest injustice or miscarriage of justice resulted.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.
PARTIES	Luis Zetina-Torres v. State of Missouri

TOPICS

criminal procedure

evidence

appellate procedure

jury instructions

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Zetina-Torres's conviction for second-degree drug trafficking by establishing knowledge and possession or control of the methamphetamine.
2. Whether sufficient evidence supported submission and conviction on an accomplice-liability theory that Zetina-Torres acted together with or aided the passenger in committing second-degree drug trafficking.
3. Whether the circuit court plainly erred by submitting Jury Instruction No. 6, which required the jury to find that Zetina-Torres acted together with or aided the passenger in committing the trafficking offense.

HOLDINGS

1. The evidence was sufficient to support the conviction because the totality of the circumstances provided additional incriminating circumstances connecting Zetina-Torres to the methamphetamine beyond his ownership and presence in the truck.
2. The evidence was sufficient to support conviction under an accomplice-liability theory because Zetina-Torres provided and drove the vehicle, followed the passenger's suggested route, exited before the staged checkpoint, and made false statements to avoid detection.
3. The circuit court did not plainly err in submitting Jury Instruction No. 6 because the instruction accurately stated the law, required findings of the offense elements and accomplice participation, and was supported by sufficient evidence.

KEY QUOTATIONS

“To prove possession of a controlled substance, the state must show conscious and intentional possession of the substance, either actual or constructive, and awareness of the presence and nature of the substance.” (at 7)

“When joint control of the premises or vehicle exists, the state is required to demonstrate “some further evidence or admission connecting the accused with the illegal drugs.”” (at 8)

“The doctrine of accomplice liability embodied in section 562.041.1(2) “comprehends any of a potentially wide variety of actions intended by an individual to assist another in criminal conduct.”” (at 12)

“A verdict-directing instruction must contain each element of the offense charged and must require the jury to find every fact necessary to constitute essential elements of [the] offense charged.” (at 15)

FACTUAL BACKGROUND

A Missouri State Highway Patrol sergeant observed Zetina-Torres exit Interstate 70 before a staged drug checkpoint and later stopped the truck he was driving for speeding. Zetina-Torres and his passenger appeared

nervous, gave inconsistent accounts of their destination and trip, and the truck contained a strong cologne-like odor that the sergeant associated with masking drug odors. With Zetina-Torres's consent, the sergeant searched the truck and found 438.74 grams of methamphetamine concealed behind the bed liner. Additional evidence linked Zetina-Torres to the truck and its apparent owner, including documents, a GPS address, and a bank card, while the evidence also supported an inference that Zetina-Torres and the passenger acted together to transport the drugs.

PROCEDURAL HISTORY

Zetina-Torres was indicted for first-degree drug trafficking after methamphetamine was found hidden in the bed liner of a truck he was driving. His first conviction was reversed and remanded by the court of appeals because of discovery violations and the circuit court's refusal to grant a continuance. After a retrial, submitted in part on an accomplice-liability theory, he was again convicted of second-degree trafficking and appealed. The Supreme Court of Missouri affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Zetina-Torres, 400 S.W.3d 343 (Mo. App. W.D. 2013)
- State v. Maldonado-Echieverra, 398 S.W.3d 61, 68 (Mo. App. W.D. 2013)
- State v. Holmes, 399 S.W.3d 809, 812 (Mo. banc 2013)
- State v. Latall, 271 S.W.3d 561, 566 (Mo. banc 2008)
- State v. Letica, 356 S.W.3d 157, 166 (Mo. banc 2011)
- State v. Nash, 339 S.W.3d 500, 509, 511-12 (Mo. banc 2011)
- State v. Stover, 388 S.W.3d 138, 146-47, 154 (Mo. banc 2012)
- State v. Fuente, 871 S.W.2d 438, 442 (Mo. banc 1994)
- State v. Purlee, 839 S.W.2d 584, 588 (Mo. banc 1992)
- State v. Woods, 284 S.W.3d 630, 640 (Mo. App. W.D. 2009)
- State v. Claycomb, 470 S.W.3d 358, 362 (Mo. banc 2015)
- State v. Barnum, 14 S.W.3d 587, 591 (Mo. banc 2000)
- State v. Wurtzberger, 40 S.W.3d 893, 896 (Mo. banc 2001)
- State v. Clay, 975 S.W.2d 121, 139 (Mo. banc 1998)
- State v. Cella, 32 S.W.3d 114, 118 (Mo. banc 2000)
- Musacchio v. United States, 2016 WL 280757, at *5 (U.S. 2016)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- State v. Anderson, 306 S.W.3d 529, 534 (Mo. banc 2010)
- State v. Belton, 153 S.W.3d 307, 310 (Mo. banc 2005)
- State v. Avery, 275 S.W.3d 231, 233 (Mo. banc 2009)

- State v. Ousley, 419 S.W.3d 65, 75 (Mo. banc 2013)
- State v. Cooper, 215 S.W.3d 123, 125-26 (Mo. banc 2007)
- State v. Doolittle, 896 S.W.2d 27, 30 (Mo. banc 1995)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/missouri-supreme-court-of-missouri/2016/state-of-missouri-v-luis-zetina-torres-jx42fwba>