

SUPREME COURT OF WASHINGTON

State v. Hahn, 174 Wash. 2d 126

271 P.3d 892 (2012) · No. No. 86427-6 · Decided March 15, 2012

SUMMARY

The Supreme Court of Washington held that the evidence did not support a jury instruction on the lesser included offense of solicitation to commit fourth degree assault in a prosecution for solicitation to commit first degree murder. The court reversed the Court of Appeals and reinstated the conviction.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Washington
DECIDED	March 15, 2012
DOCKET	No. 86427-6
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for review of the Court of Appeals' reversal of Hahn's conviction for solicitation to commit first degree murder based on the trial court's refusal to give a lesser included offense instruction. The Supreme Court granted the State's petition, declined to review Hahn's conditional issues, and reversed the Court of Appeals.
STANDARD OF REVIEW	For a lesser included offense instruction, the evidence is viewed in the light most favorable to the defendant to determine whether the factual prong is satisfied.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Washington
PARTIES	State of Washington v. Aaron Michael Hahn

TOPICS

lesser included offense instructions

jury instructions

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

QUESTIONS PRESENTED

1. Whether the evidence supported a jury instruction on the lesser included offense of solicitation to commit fourth degree assault.
2. Whether Hahn's statements, viewed in the light most favorable to him, supported an inference that he solicited only a simple assault and not murder.

HOLDINGS

1. The evidence did not support an instruction on solicitation to commit fourth degree assault because it did not permit a reasonable inference that Hahn solicited only that lesser offense to the exclusion of solicitation to commit murder.

KEY QUOTATIONS

“A defendant is entitled to a lesser included offense instruction if (1) each element of the lesser offense is a necessary element of the offense charged (legal prong) and (2) the evidence, viewed most favorably to the defendant, supports an inference that only the lesser crime was committed (factual prong).” (¶ 8)

“The recorded conversation transcripts can be reasonably read in context as only a solicitation to kill S.M.” (¶ 9)

FACTUAL BACKGROUND

While confined in jail, Hahn told other inmates that he wanted the complaining witness, S.M., dead or hurt and sought someone who could harm or kill her. In recorded conversations with an undercover officer, Hahn repeatedly said he wanted S.M. to disappear, to appear as if she never existed, or to be gone. Hahn was convicted of solicitation to commit first degree murder, but argued that the evidence supported an instruction on solicitation to commit fourth degree assault.

PROCEDURAL HISTORY

Hahn was charged with and convicted of solicitation to commit first degree murder after the trial court denied his request for an instruction on solicitation to commit fourth degree assault. The Washington Court of Appeals reversed, concluding that the evidence supported the lesser included offense instruction. The State sought review in the Washington Supreme Court, which reversed the Court of Appeals and reinstated the trial court's ruling.

DISPOSITION

reversed

CASES CITED

- State v. Workman, 90 Wash. 2d 443, 447-48, 584 P.2d 382 (1978)
- State v. Wilson, 125 Wash. 2d 212, 218, 883 P.2d 320 (1994)
- State v. Hahn, 162 Wash. App. 885, 894-901, 256 P.3d 1267 (2011)

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