

SUPREME COURT OF KENTUCKY

Mayse v. Commonwealth

422 S.W.3d 223 (Ky. 2013) · Decided October 24, 2013

SUMMARY

The Kentucky Supreme Court affirmed Samantha Mayse’s convictions for complicity to murder and first-degree complicity to robbery. The court rejected challenges concerning references to co-indictees’ guilty pleas, admission of jail letters, a co-defendant’s assertion of the Fifth Amendment, and the jury’s brief access to improperly submitted exhibits. The court also rejected Mayse’s cumulative-error argument.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Cunningham; Cunningham
JURISDICTION	Kentucky
DECIDED	October 24, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mayse appealed as a matter of right from her Kenton Circuit Court convictions for complicity to murder and first-degree complicity to robbery and the sentences imposed in accordance with the jury's recommendations.
STANDARD OF REVIEW	Denial of a motion for mistrial and rulings on relevancy and admission of evidence were reviewed for abuse of discretion. The unpreserved Sixth Amendment claim was reviewed for palpable error under RCr 10.26. The cumulative-error claim was reviewed under the substantial-prejudice standard.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential.
PARTIES	Samantha Mayse v. Commonwealth of Kentucky

TOPICS

criminal procedure

evidence

fifth amendment

sixth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Commonwealth's references during voir dire, examination, and closing argument to co-indictees' guilty pleas and plea agreements required a mistrial.
2. Whether eighteen jail letters between Mayse and Marion Parker were relevant and admissible under Kentucky Rules of Evidence 401, 402, and 403.
3. Whether Mayse was denied her Sixth Amendment right to present a defense when Parker invoked his Fifth Amendment privilege against self-incrimination and refused to testify.
4. Whether the jury's brief access to improperly delivered, unadmitted defense exhibits required a mistrial.
5. Whether cumulative error required reversal of Mayse's convictions.

HOLDINGS

1. The Commonwealth's incomplete reference during voir dire to anticipated witnesses who had pleaded guilty was not a blatant use of a co-indictee's conviction as substantive evidence of Mayse's guilt; because the statement occurred during voir dire and was directed toward identifying juror bias, the trial court did not abuse its discretion in denying a mistrial.
2. The Commonwealth could question Cooke about his guilty plea after the defense first raised the terms of his agreement to impeach his credibility. The trial court therefore did not abuse its discretion in denying the second mistrial motion.
3. The Commonwealth's references during closing argument to Cooke's and Hartbarger's plea agreements were not a blatant use of their convictions as substantive evidence of Mayse's guilt, particularly after the trial court sustained the objection and prohibited further commentary; denial of the third mistrial motion was not an abuse of discretion.
4. The eighteen letters between Mayse and Parker were relevant and admissible because they tended to show the nature of the parties' relationship and rebut Mayse's claims that she barely knew Parker, that Parker had mental problems, and that she felt threatened by him. Their probative value was not substantially outweighed by the danger of undue prejudice under KRE 403.
5. Parker did not waive his Fifth Amendment privilege against self-incrimination by entering a plea agreement before sentencing, and the trial court correctly allowed him to refuse to testify. Mayse therefore was not denied her Sixth Amendment right to present a defense.
6. The jury's brief and cursory access to improperly delivered defense exhibits did not require a mistrial because the jury did not review one of the exhibits, only one juror briefly reviewed the other, the trial court strongly admonished the jury to disregard both, and there was no evidence that the mistake affected deliberations.
7. Cumulative error did not warrant reversal because the individual alleged errors were not substantial or sufficiently prejudicial, and any potential prejudice was cured by admonitions.

KEY QUOTATIONS

“It has long been the rule in this Commonwealth that it is improper to show that a co-indictee has already been convicted under the indictment.” (226)

“However, Tipton bars only the “[blatant] use [of] the conviction [of a co-indictee] as substantive evidence of guilt of the indictee now on trial[.]” (227)

“In fact, all evidence demonstrating that a defendant is guilty beyond a reasonable doubt prejudices the defendant. KRE 403 requires something more.” (228)

“In that ease, the U.S. Supreme Court held that a guilty plea did not constitute a waiver to remain silent until the person had been sentenced.” (229)

“A mistrial is an extreme remedy and should be resorted to only when there appears in the record a manifest necessity for such an action or an urgent or real necessity.” (229-230)

FACTUAL BACKGROUND

Mayse used a telephone chat line to lure Shawn Davis to an apartment, where she and three confederates attacked him as part of a planned robbery. Davis was beaten, restrained, strangled, and killed, and money was taken from his wallet. Mayse was convicted under a complicity theory based principally on evidence from her alleged co-conspirators and on letters exchanged with Marion Parker.

PROCEDURAL HISTORY

A Kenton Circuit Court jury convicted Mayse of complicity to murder and first-degree complicity to robbery and recommended concurrent sentences of life without parole for a minimum of twenty-five years and twenty years, respectively. The circuit court entered judgment and sentenced her on December 7, 2011. The Supreme Court of Kentucky affirmed.

DISPOSITION

affirmed

CASES CITED

- Bray v. Commonwealth, 68 S.W.3d 375, 383 (Ky. 2002)
- Parido v. Commonwealth, 547 S.W.2d 125, 127 (Ky. 1977)
- Tipton v. Commonwealth, 640 S.W.2d 818, 820 (Ky. 1982)
- Martin v. Commonwealth, 477 S.W.2d 506 (Ky. 1972)
- Ward v. Commonwealth, 695 S.W.2d 404, 408 (Ky. 1985)
- Linder v. Commonwealth, 714 S.W.2d 154 (Ky. 1986)
- Commonwealth v. Gaines, 13 S.W.3d 923, 924-925 (Ky. 2000)
- Meece v. Commonwealth, 348 S.W.3d 627, 690 (Ky. 2011)
- Stopher v. Commonwealth, 57 S.W.3d 787, 805-806 (Ky. 2001)
- Slaughter v. Commonwealth, 744 S.W.2d 407, 411-412 (Ky. 1987)

- Love v. Commonwealth, 55 S.W.3d 816, 822 (Ky. 2001)
- Murray v. Commonwealth, 399 S.W.3d 398, 409 (Ky. 2013)
- McIntire v. Commonwealth, 192 S.W.3d 690, 698 (Ky. 2006)
- Brewer v. Commonwealth, 206 S.W.3d 343, 349 (Ky. 2006)
- Mitchell v. United States, 526 U.S. 314, 119 S. Ct. 1307, 143 L. Ed. 2d 424 (1999)
- Burkhart v. Commonwealth, 125 S.W.3d 848, 850 (Ky. 2003)
- Chestnut v. Commonwealth, 250 S.W.3d 288, 302-303 (Ky. 2008)
- Bennett v. Commonwealth, 217 S.W.3d 871, 875 (Ky. App. 2006)
- St. Clair v. Commonwealth, 140 S.W.3d 510, 558 (Ky. 2004)
- Brown v. Commonwealth, 313 S.W.3d 577, 631 (Ky. 2010)
- Tamme v. Commonwealth, 973 S.W.2d 13, 40 (Ky. 1998)