

SUPREME COURT OF MINNESOTA

State v. Murphy

380 N.W.2d 766 (Minn. 1986) · No. C0-84-2128 · Decided January 31, 1986

SUMMARY

The Minnesota Supreme Court affirmed Marshall Donald Murphy's first-degree murder conviction. The court held that his confession to his probation officer was admissible under article I, section 7 of the Minnesota Constitution, applying the United States Supreme Court's interpretation of the parallel federal privilege against compelled self-incrimination. The court also upheld the sufficiency of the evidence establishing rape and felony murder, the refusal to submit third-degree murder as a lesser-included offense, and the trial court's supplemental jury instruction defining “while.”

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Amdahl, Chief Justice; Wahl, Justice
JURISDICTION	Minnesota
DECIDED	January 31, 1986
DOCKET	C0-84-2128
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his first-degree murder conviction after the trial court admitted his confession to his probation officer, rejected his sufficiency-of-the-evidence challenges, declined to submit third-degree murder as a lesser-included offense, and gave a supplemental jury instruction defining the statutory term "while."
STANDARD OF REVIEW	For sufficiency of the evidence, the evidence is viewed in the light most favorable to the verdict and the verdict is upheld if the jury could reasonably find guilt beyond a reasonable doubt. The submission of lesser-included offenses and the response to jury questions are reviewed for abuse of discretion, subject to the requirement that warranted lesser-included instructions be given and supplemental instructions not prejudicially supplant the original charge.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota; majority decision with a dissent.
PARTIES	Marshall Donald Murphy v. State of Minnesota

TOPICS

criminal procedure fifth amendment mens rea sentencing evidence

PRACTICE AREAS

criminal law criminal procedure constitutional law evidence jury instructions

QUESTIONS PRESENTED

1. Whether Murphy's confession to his probation officer was inadmissible under article I, section 7 of the Minnesota Constitution, despite the United States Supreme Court's determination that it was not compelled under the Fifth Amendment.
2. Whether the evidence was sufficient to prove rape or attempted rape as the predicate felony for first-degree felony murder.
3. Whether the evidence was sufficient to prove that the killing occurred "while" Murphy was committing or attempting to commit rape.
4. Whether the trial court erred by refusing to submit third-degree murder as a lesser-included offense.
5. Whether the trial court's supplemental instruction defining "while" as part of one continuous criminal act denied Murphy a fair trial.

HOLDINGS

1. The interpretation adopted by the United States Supreme Court for the federal privilege against compelled self-incrimination also correctly states Minnesota law under article I, section 7; Murphy's confession was therefore not inadmissible on the state constitutional ground.
2. The evidence was sufficient to support the rape predicate, or at least attempted rape with force or violence, required for first-degree felony murder.
3. A killing occurring immediately after the rape to conceal the crime was part of the same continuous criminal act and satisfied the statutory requirement that the killing occur "while" the predicate felony was being committed.
4. The trial court properly refused to submit third-degree murder because the evidence did not provide a rational basis for acquittal of first-degree felony murder and conviction of third-degree murder.
5. The trial court did not commit prejudicial error by responding to the jury's question that "while" meant the defendant's acts were part of one continuous criminal act.

KEY QUOTATIONS

"We conclude that it does not and we thus hold that the interpretation given by the United States Supreme Court of the privilege against self-incrimination under the federal constitutional provision is also a correct statement of the law under article 1, section 7 of the Minnesota Constitution." (at 771)

*"In Minnesota, the felony-murder rule is applicable where the 'felony and the killing * * * are parts of one continuous transaction.'"* (at 771)

“The second instruction was merely a clarification of the first.” (at 773)

FACTUAL BACKGROUND

Marshall Donald Murphy was on probation for an unrelated false-imprisonment conviction and was required to report to his probation officer and be truthful in all matters. After learning from a therapist that Murphy had admitted committing a rape and murder in 1974, the probation officer summoned Murphy to discuss his treatment plan and confronted him with the information. Murphy then confessed in detail to raping and killing Sherrie Cole, and the confession was reported to police. Cole's body had been found partially decomposed near the route between two residences; the evidence indicated strangulation, defensive wounds, facial injuries, a fractured jaw, and removal of her clothing.

PROCEDURAL HISTORY

The trial court denied Murphy's motion to suppress his confession and certified the constitutional question to the Minnesota Supreme Court. The Minnesota Supreme Court initially reversed on federal constitutional grounds, but the United States Supreme Court reversed that decision, holding the confession was not compelled under the Fifth Amendment. On remand, the confession was admitted, Murphy was convicted by a jury of first-degree murder, and the Minnesota Supreme Court affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Minnesota v. Murphy, 465 U.S. 420, 104 S. Ct. 1136, 79 L. Ed. 2d 409 (1984)
- State v. Murphy, 324 N.W.2d 340 (Minn. 1982)
- Pruneyard Shopping Center v. Robins, 447 U.S. 74, 81, 100 S. Ct. 2035, 64 L. Ed. 2d 741 (1980)
- O'Connor v. Johnson, 287 N.W.2d 400, 405 (Minn. 1979)
- Roberts v. United States, 445 U.S. 552, 559, 100 S. Ct. 1358, 63 L. Ed. 2d 622 (1980)
- State v. Fuller, 374 N.W.2d 722, 727 (Minn. 1985)
- State v. Parker, 353 N.W.2d 122, 127 (Minn. 1984)
- State v. Norgaard, 272 Minn. 48, 52, 136 N.W.2d 628, 632 (1965)
- Kochevar v. State, 281 N.W.2d 680, 686 (Minn. 1979)
- People v. Aaron, 409 Mich. 672, 699-707, 299 N.W.2d 304, 312-316 (1980)
- LaMere v. State, 278 N.W.2d 552, 558 (Minn. 1979)
- State v. Lee, 282 N.W.2d 896, 899 (Minn. 1979)
- State v. Leinweber, 303 Minn. 414, 422, 228 N.W.2d 120, 125-126 (1975)
- State v. Adams, 295 N.W.2d 527, 532 (Minn. 1980)
- State v. McDonald, 312 Minn. 320, 321, 251 N.W.2d 705, 706 (1977)
- Strobel v. Chicago, Rock Island & Pacific Railroad Co., 255 Minn. 201, 204-205, 96 N.W.2d 195, 199 (1959)

- Stayberg v. Henderson, 277 Minn. 16, 19, 151 N.W.2d 290, 292 (1967)
- Rauk v. Vold, 268 Minn. 56, 63, 127 N.W.2d 687, 692 (1964)
- United States v. Fitterer, 710 F.2d 1328, 1333 (8th Cir. 1983)
- City of Burnsville v. Marsyla, 349 N.W.2d 829, 830 (Minn. 1984)

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