

SUPREME COURT OF KANSAS

State v. Bell

280 Kan. 358 (2005) · No. No. 92,010 · Decided October 28, 2005

SUMMARY

The Supreme Court of Kansas affirmed Nathaniel Bell’s conviction for premeditated first-degree murder. The court held that Bell’s confession was voluntary under the totality of the circumstances, that the voluntary manslaughter instruction was not erroneous, and that prosecutorial misstatements regarding a beer bottle and voluntary intoxication did not require a new trial.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Allegretti, J.; Lockett, J., retired, assigned
JURISDICTION	Kansas
DECIDED	October 28, 2005
DOCKET	No. 92,010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bell appealed his jury conviction for one count of premeditated first-degree murder, challenging the admission of his police statement, a jury instruction on voluntary manslaughter, and alleged prosecutorial misconduct.
STANDARD OF REVIEW	For suppression of a confession, factual findings are reviewed for substantial competent evidence and the ultimate voluntariness determination is reviewed de novo. Unpreserved jury-instruction claims are reviewed for clear error. Prosecutorial-misconduct claims are evaluated under a two-step analysis: whether the comment exceeded the permissible latitude in discussing the evidence or law, and whether it prejudiced the defendant and denied a fair trial.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Nathaniel Bell v. State of Kansas

TOPICS

- criminal procedure
- suppression of evidence
- miranda rights
- jury instructions
- prosecutorial misconduct

PRACTICE AREAS

criminal law

criminal procedure

evidence

jury instructions

QUESTIONS PRESENTED

1. Whether Bell's police statement was involuntary because of his consumption of drugs and alcohol, fatigue, the length of the interrogation, and the lack of food.
2. Whether Instruction 11 improperly limited the jury's consideration of heat of passion and imperfect self-defense as circumstances reducing first-degree murder to voluntary manslaughter.
3. Whether the prosecutor misstated the evidence by arguing that no one testified about a beer bottle.
4. Whether the prosecutor misstated Kansas law on voluntary intoxication by arguing that intoxication must be so great that it overcame Bell's ability to think.

HOLDINGS

1. The trial court did not err in admitting Bell's statement because, under the totality of the circumstances, the statement was the product of his free and independent will and his waiver of Miranda rights was knowing, intelligent, and voluntary.
2. Instruction 11 was not erroneous because heat of passion and an unreasonable but honest belief in the necessity of deadly force do not reduce premeditated first-degree murder to voluntary manslaughter; premeditation is mutually exclusive with those concepts.
3. The prosecutor exceeded the permissible latitude in discussing the evidence by stating that no one testified about a beer bottle, but the misstatement did not prejudice Bell sufficiently to require a new trial.
4. The prosecutor misstated Kansas law by suggesting that voluntary intoxication had to be so extreme that it overcame Bell's ability to think, but the improper remark did not deny Bell a fair trial because the jury received correct instructions and the error was harmless.

KEY QUOTATIONS

"The essential inquiry in determining the voluntariness of a statement is whether the statement was the product of the free and independent will of the accused." (363)

"Premeditation and heat of passion are mutually exclusive concepts." (366)

"Premeditation requires reason; imperfect self-defense requires the absence of reason." (367)

"The defendant's intoxication being 'so great that it overcame his ability to think' is not an accurate statement of the law of voluntary intoxication, which is specific to the inability to form the necessary state of mind or intent." (371)

FACTUAL BACKGROUND

Bell and Jose Felix had previously fought but appeared to reconcile before Felix fell asleep on a couch in an apartment. After Bell received a knife, he straddled Felix and stabbed him; Bell then changed clothes, took

Felix's car keys and a cellphone, and left. Bell later gave police a videotaped statement admitting that he stabbed Felix, although at trial he claimed self-defense and asserted that drugs, alcohol, and a bottle affected the circumstances.

PROCEDURAL HISTORY

A jury convicted Bell of premeditated first-degree murder. The trial court denied his motion to suppress his police statement, admitted the statement, gave Instruction 11 concerning voluntary manslaughter, and denied relief based on the prosecutor's closing-argument statements. The Supreme Court of Kansas affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Swanigan, 279 Kan. 18, Syl. ¶¶ 1, 2, 106 P.3d 39 (2005)
- State v. Mays, 277 Kan. 359, 372-73, 85 P.3d 1208 (2004)
- State v. Sweat, 30 Kan. App. 2d 756, 763, 48 P.3d 8 (2002)
- State v. Davis, 275 Kan. 107, 115, 61 P.3d 701 (2003)
- State v. Pabst, 273 Kan. 658, 660, 44 P.3d 1230 (2002), cert. denied, 537 U.S. 959 (2002)
- State v. Graham, 275 Kan. 831, 69 P.3d 563 (2003)
- State v. Hurt, 278 Kan. 676, 683, 101 P.3d 1249 (2004)
- State v. Ordway, 261 Kan. 776, 787-88, 934 P.2d 94 (1997)
- State v. Gregory, 218 Kan. 180, 542 P.2d 1051 (1975)
- State v. Warren, 5 Kan. App. 2d 754, 624 P.2d 476, rev. denied, 229 Kan. 671 (1981)
- State v. Meyers, 245 Kan. 471, 781 P.2d 700 (1989)
- State v. Tosh, 278 Kan. 83, Syl. ¶¶ 1, 2, 91 P.3d 1204 (2004)
- Chapman v. California, 386 U.S. 18, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)
- State v. Walker, 252 Kan. 279, 296-97, 845 P.2d 1 (1993)
- State v. Holmes, 272 Kan. 491, 499-500, 33 P.3d 856 (2001)
- State v. McCorkendale, 267 Kan. 263, Syl. ¶ 9, 284, 979 P.2d 1239 (1999)

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