

SUPREME COURT OF INDIANA

State of Indiana v. Paul M. McManus

868 N.E.2d 778 (Ind. 2007) · No. 82S00-0503-PD-78 · Decided June 27, 2007

SUMMARY

The Supreme Court of Indiana reversed a post-conviction court's determination that Paul McManus was mentally retarded and its reduction of his death sentence to life without parole. The court held that McManus's post-Atkins mental-retardation claim was properly before the post-conviction court, but that he failed to establish significantly subaverage intellectual functioning or substantial impairment of adaptive behavior. The court also rejected or declined to disturb claims concerning expert testimony, competency, and ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Shepard, Chief Justice; Dickson, Justice; Boehm, Justice; Sullivan, Justice; Rucker, Justice
JURISDICTION	Indiana
DECIDED	June 27, 2007
DOCKET	82S00-0503-PD-78
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed, and McManus cross-appealed, from a post-conviction judgment that vacated his death sentence and imposed life imprisonment without parole after finding him mentally retarded.
STANDARD OF REVIEW	Post-conviction factual findings on mental retardation are reviewed for clear error. Discovery rulings and sanctions are reviewed for clear error and resulting prejudice. Ineffective-assistance claims require proof of deficient performance and prejudice under Strickland. Claims previously decided on direct appeal are barred by res judicata.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Indiana v. Paul M. McManus

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QUESTIONS PRESENTED

1. Whether McManus's Atkins mental-retardation claim was preserved despite his failure to use Indiana's preexisting statutory procedure.
2. Whether McManus proved significantly subaverage intellectual functioning and substantial impairment of adaptive behavior under Indiana law.
3. Whether the post-conviction court erred by admitting testimony and reports from Dr. Haskins and Dr. Olvera despite alleged discovery and witness-list violations.
4. Whether McManus's competency claims were barred by res judicata.
5. Whether trial counsel was ineffective for failing to adequately litigate competency and investigate or present mitigating evidence.
6. Whether trial counsel operated under an actual conflict of interest.

HOLDINGS

1. McManus's mental-retardation claim was properly before the post-conviction court because the claim did not ripen until Pruitt modified Indiana's statutory scheme to comply with Atkins.
2. McManus did not prove significantly subaverage intellectual functioning, and the post-conviction court's contrary finding was clearly erroneous.
3. McManus did not prove substantial impairment of adaptive behavior because the ABAS II primary-domain scores did not show impairment in the conceptual, social, or practical domains, and his work and daily-life functioning further undermined the claim.
4. The post-conviction court's admission of the testimony and reports did not warrant reversal because the State did not establish specific resulting prejudice.
5. McManus's claims that he was incompetent to stand trial were barred by res judicata because competency had been addressed on direct appeal.
6. McManus failed to establish ineffective assistance because counsel adequately litigated competency and presented substantial, non-deficient mitigation evidence.
7. McManus did not establish an actual conflict of interest that adversely affected counsel's performance.

KEY QUOTATIONS

“As such, the claim of mental retardation was properly before the post-conviction court.” (785)

“The post-conviction court's finding that McManus possesses significantly subaverage intellectual functioning was clearly erroneous.” (787)

“In sum, McManus does not satisfy the intellectual functioning or adaptive behavior prongs.” (789)

“We reverse the post-conviction court's holding on retardation, but otherwise affirm. Judgment for the State.” (792)

FACTUAL BACKGROUND

McManus was convicted of murdering his wife and two daughters and received a death sentence. In post-conviction proceedings, he presented IQ testing, adaptive-behavior assessments, and evidence concerning his education, employment, family responsibilities, ADHD, and learning disabilities. The post-conviction court found by a preponderance of the evidence that he was mentally retarded, but the Indiana Supreme Court concluded that his IQ history, work and school history, daily functioning, and adaptive-behavior evidence did not establish either required prong.

PROCEDURAL HISTORY

A jury convicted McManus of murdering his wife and two daughters and recommended death, and the trial court imposed a death sentence. The Indiana Supreme Court affirmed on direct appeal. During post-conviction proceedings, the court granted the State summary judgment on most claims, later allowed an evidentiary hearing, and found that McManus proved mental retardation under *Atkins*, vacating the death sentence and imposing life without parole. The State appealed and McManus cross-appealed.

DISPOSITION

reversed

CASES CITED

- *McManus v. State*, 814 N.E.2d 253 (Ind. 2004)
- *Atkins v. Virginia*, 536 U.S. 304 (2002)
- *Smallwood v. State*, 773 N.E.2d 259 (Ind. 2002)
- *Bowling v. Commonwealth*, 163 S.W.3d 361 (Ky. 2005)
- *Pruitt v. State*, 834 N.E.2d 90 (Ind. 2005)
- *Woods v. State*, 863 N.E.2d 301 (Ind. 2007)
- *Williams v. State*, 793 N.E.2d 1019 (Ind. 2003)
- *Dye v. State*, 717 N.E.2d 5 (Ind. 1999)
- *McCary v. State*, 761 N.E.2d 389 (Ind. 2002)
- *Williams v. State*, 706 N.E.2d 149 (Ind. 1999)
- *Timberlake v. State*, 753 N.E.2d 591 (Ind. 2001)
- *Wrinkles v. State*, 749 N.E.2d 1179 (Ind. 2001)
- *Wisehart v. State*, 693 N.E.2d 23 (Ind. 1998)

- Woods v. State, 701 N.E.2d 1208 (Ind. 1998)
- Cuyler v. Sullivan, 446 U.S. 335 (1980)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Ford v. Wainwright, 477 U.S. 399 (1986)

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