

CALIFORNIA SUPREME COURT

People v. Doolin

45 Cal. 4th 390 (Cal. 2009) · Decided January 5, 2009

SUMMARY

The California Supreme Court reviewed Keith Zon Doolin's convictions and death sentence for two murders and four attempted murders. The court rejected his claims, including an alleged conflict of interest arising from appointed counsel's compensation agreement, and affirmed the judgment in full.

CASE DETAILS

COURT	California Supreme Court
WRITING FOR THE COURT	Corrigan, J.; Kennard, J.
JURISDICTION	California
DECIDED	January 5, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from a judgment imposing the death penalty after a jury convicted defendant of two first degree murders and four attempted murders and found firearm-use, great-bodily-injury, and multiple-murder special-circumstance allegations true.
STANDARD OF REVIEW	The court applied the Strickland/Mickens framework to the federal conflict-of-interest claim, requiring deficient performance caused by an actual conflict and a reasonable probability of a different result. It reviewed the denial of second counsel for abuse of discretion, evidentiary rulings for abuse of discretion, Kelly scientific-technique determinations under the applicable mixed law-and-fact and abuse-of-discretion standards, and preserved constitutional-error claims under Chapman or California error under Watson as appropriate.
PRECEDENTIAL VALUE	Published precedential opinion of the California Supreme Court
PARTIES	Keith Zon Doolin v. People

TOPICS

- ineffective assistance
- right to counsel
- criminal procedure
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Fresno County's lump-sum compensation agreement for appointed capital counsel created an inherent or actual conflict of interest requiring reversal.
2. What standard governs conflict-of-interest claims under the California Constitution and whether the asserted fee-related conflict adversely affected counsel's performance and prejudiced defendant.
3. Whether the trial court abused its discretion or committed reversible error by denying defendant's request for appointment of second counsel in the capital case.
4. Whether the trial court improperly admitted character and rebuttal evidence, including cross-examination of a defense psychiatrist and evidence impeaching defendant and his mother.
5. Whether the admission of DNA evidence violated California's Kelly standard or was otherwise reversible error.

HOLDINGS

1. A lump-sum compensation agreement covering appointed counsel's fees and investigative and expert costs does not, by itself, create the inherent and irreconcilable conflict recognized in *People v. Barboza* where counsel represents a single defendant rather than multiple defendants with potentially conflicting interests.
2. California conflict-of-interest claims under the state Constitution are governed by the federal standard articulated in *Mickens v. Taylor* and *Strickland v. Washington*: the defendant must show deficient performance resulting from an actual conflict that adversely affected counsel's performance and a reasonable probability that, absent the deficiency, the result would have been different.
3. A presumption of prejudice is not appropriate for an asserted conflict arising from counsel's self-interest in a fee arrangement when the conflict does not involve multiple concurrent representation.
4. Appointment of second counsel in a capital case is statutory and discretionary, not constitutionally required; any assumed error in denying the request was harmless because defendant failed to show a reasonable probability or possibility of a more favorable guilt or penalty result.
5. The challenged cross-examination and rebuttal evidence was properly admitted to test the basis, weight, and credibility of the defense expert's character opinion and to impeach defendant's own testimony; the trial court did not abuse its discretion under the applicable Evidence Code provisions.

KEY QUOTATIONS

"We therefore conclude that employing both standards is unnecessary and confusing. In the final analysis, both standards involve a consideration of prejudice in the outcome." (at 421)

"Today, we therefore harmonize California conflict of interest jurisprudence with that of the United States Supreme Court and adopt the standard set out in Mickens." (at 421)

“Accordingly, because defendant has not established the asserted conflict of interest had any effect on either the guilt or the penalty phase verdict, he does not “demonstrate ‘a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.’ ”” (at 430)

FACTUAL BACKGROUND

Between November 1994 and September 1995, Doolin was accused of murdering two Fresno prostitutes and attempting to murder four others. The surviving victims identified him as their assailant, and ballistics evidence linked his .45-caliber Firestar handgun to several shootings; additional evidence included vehicle-tire comparisons, eyewitness testimony, and incriminating statements. The defense relied principally on alibi, mistaken identification, and third-party culpability, while the penalty-phase defense presented mental-health and background evidence.

PROCEDURAL HISTORY

A jury convicted Doolin of two first degree murders and four attempted murders and returned a death verdict. The trial court denied motions for a new trial and penalty modification, imposed death, and imposed and stayed determinate sentences on the remaining felony counts and enhancements. The California Supreme Court reviewed the judgment on automatic appeal and affirmed it in full.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 688, 691, 694 (1984)
- People v. Barboza, 29 Cal. 3d 375, 378-381 (1981)
- People v. Rundle, 43 Cal. 4th 76, 168-176 (2008)
- Mickens v. Taylor, 535 U.S. 162, 166, 171-176 (2002)
- Beets v. Collins, 65 F.3d 1258, 1265, 1270-1271 (5th Cir. 1995)
- Keenan v. Superior Court, 31 Cal. 3d 424, 431-434 (1982)
- People v. Roldan, 35 Cal. 4th 646, 686, 688 (2005)
- People v. Ledesma, 39 Cal. 4th 641, 695 (2006)
- People v. Wheeler, 4 Cal. 4th 284, 292-297 (1992)
- People v. Kelly, 17 Cal. 3d 24, 30, 32, 39 (1976)
- People v. Watson, 46 Cal. 2d 818, 836 (1956)