

SUPREME COURT OF CALIFORNIA

People v. Molano

7 Cal. 5th 620, 249 Cal. Rptr. 3d 1 (2019) · Decided June 27, 2019

SUMMARY

The California Supreme Court reviews Carl Edward Molano’s convictions and death sentence for the murder of Suzanne McKenna, including a rape-murder special circumstance and prior-conviction allegations. The opinion addresses the admissibility of Molano’s statements under Miranda and Edwards, including whether he invoked his right to counsel and later reinitiated communication. The court affirms the judgment in full.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Corrigan, J.
JURISDICTION	California
DECIDED	June 27, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from a judgment imposing the death penalty after a jury convicted Molano of first degree murder with a rape-murder special circumstance and returned a death verdict.
STANDARD OF REVIEW	The court independently reviewed the legal validity of Miranda waivers and suppression rulings while accepting supported trial-court factual findings and credibility determinations. Evidentiary rulings concerning other-crimes evidence were reviewed for abuse of discretion. Alleged instructional error was subject to forfeiture principles and, alternatively, harmless-error review under People v. Watson.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Carl Edward Molano v. People of the State of California

TOPICS

- miranda rights
- right to counsel
- criminal procedure
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Molano's initial Miranda waiver was invalid because investigators used a ruse and failed to disclose that they were investigating McKenna's death.
2. Whether Molano reinitiated communication after invoking his right to counsel, permitting further questioning under *Edwards v. Arizona*.
3. Whether Molano clearly invoked the right to counsel during transport to the police station.
4. Whether Molano's subsequent Miranda waiver was involuntary because officers used deception, ignored prior invocations, or engaged in improper softening-up tactics.
5. Whether evidence of Molano's prior rapes was admissible under Evidence Code section 1108 without violating due process.
6. Whether evidence of Molano's prior strangulation of his wife was admissible under Evidence Code section 1101, subdivision (b), to prove intent and negate accident.
7. Whether the trial court was required to instruct sua sponte that an actual but unreasonable belief in the victim's consent could negate the intent required for rape felony murder or the rape-murder special circumstance.
8. Whether any instructional error concerning an unreasonable belief in consent was prejudicial.

HOLDINGS

1. A Miranda waiver is not invalid merely because police withhold the specific subject of questioning or use a noncoercive ruse, so long as the suspect understands the rights conveyed, the consequences of waiving them, and makes an uncoerced choice to speak. Molano's initial waiver was knowing, intelligent, and voluntary.
2. After a suspect invokes the right to counsel, police may resume questioning if the suspect himself reinitiates communication relating directly or indirectly to the investigation and thereafter knowingly and voluntarily waives the previously invoked rights. Molano reinitiated communication at San Quentin.
3. A suspect's conditional or equivocal references to obtaining a public defender do not clearly invoke the right to counsel under *Edwards*. Molano's statements asking whether he could speak with a public defender first did not require questioning to cease.
4. Molano's statements at the station were properly admitted because he was re-advised of his Miranda rights, acknowledged understanding them, and voluntarily waived them. The officers' statements about the victim and Molano's family did not amount to unconstitutional coercion.
5. Evidence of Molano's prior rapes was admissible under Evidence Code section 1108, subject to section 352, and its admission did not violate due process. The court declined to reconsider its established holding in *People v. Falsetta*.
6. Evidence that Molano previously strangled his wife was admissible under Evidence Code section 1101, subdivision (b), to prove intent and negate accident in the charged strangulation death.

7. Molano forfeited his claim that the trial court had a sua sponte duty to instruct that an actual but unreasonable belief in consent could negate the specific intent required for rape felony murder or the rape-murder special circumstance. The court did not decide whether the theory was legally valid.
8. Even assuming the trial court erred by failing to instruct on an actual but unreasonable belief in consent, the error was harmless under the reasonable-probability standard.

KEY QUOTATIONS

“Notwithstanding Chicoine’s failure to disclose that he was investigating McKenna’s death, defendant was aware that he was speaking with law enforcement officers and that the scope of the interview would include his “past crimes.”” (652)

“For these reasons, defendant’s initial Miranda waiver was knowing, intelligent, and voluntary.” (654)

“This record amply supports the trial court’s factual finding that defendant reinitiated conversation with the officers at San Quentin before the car trip began.” (658)

“Because defendant reinitiated conversation with the officers at San Quentin, and did not clearly invoke his right to counsel en route to the station, the officers were permitted to resume their questioning of defendant about the McKenna homicide.” (660)

“The officers’ brief comments about the victim, standing alone, did not render defendant’s waiver involuntary.” (663)

“The evidence presented at trial and the defense theory of the case provided very little support for a claim that defendant mistakenly harbored a good faith but unreasonable belief in McKenna’s consent.” (671)

FACTUAL BACKGROUND

In 1995, Suzanne McKenna was found dead in her cottage after being strangled with clothing and a leather strip. Evidence linked Molano to the scene, including his DNA on the ligature, a shoe associated with the crime, and statements by his wife and son describing his presence, flight, and efforts to conceal evidence. Years later, after receiving Miranda warnings, Molano made statements admitting consensual sex with McKenna, choking her, discovering that she had died, moving her body, and attempting to clean up. The prosecution also introduced evidence of Molano’s prior rapes and his strangulation of his wife.

PROCEDURAL HISTORY

A jury convicted defendant of first degree murder and found true the special circumstance that the murder was committed during a rape. After defendant waived a jury on prior-conviction allegations, the trial court found those allegations true. The jury returned a death verdict, the court imposed that sentence, and defendant pursued the automatic appeal. The Supreme Court of California affirmed the judgment in full.

DISPOSITION

affirmed

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- Edwards v. Arizona, 451 U.S. 477 (1981)
- Moran v. Burbine, 475 U.S. 412 (1986)
- Colorado v. Spring, 479 U.S. 564 (1987)
- People v. Tate, 49 Cal. 4th 635 (2010)
- People v. Gamache, 48 Cal. 4th 347 (2010)
- People v. Honeycutt, 20 Cal. 3d 150 (1977)
- People v. Falsetta, 21 Cal. 4th 903 (1999)
- People v. Daveggio and Michaud, 4 Cal. 5th 790 (2018)
- People v. Ewoldt, 7 Cal. 4th 380 (1994)
- People v. Mayberry, 15 Cal. 3d 143 (1975)
- People v. Flannel, 25 Cal. 3d 668 (1979)
- People v. Bacigalupo, 1 Cal. 4th 103 (1991)
- People v. Watson, 46 Cal. 2d 818 (1956)
- People v. Breverman, 19 Cal. 4th 142 (1998)

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