

SUPREME COURT OF NEBRASKA

State v. Casterline

293 Neb. 41 (2016) · No. No. S-15-045 · Decided March 18, 2016

SUMMARY

The Nebraska Supreme Court affirmed Andrew Casterline’s convictions for first degree murder, use of a deadly weapon to commit a felony, and burglary. The court held that sufficient evidence supported the murder and weapon convictions under principal and aiding-and-abetting theories, and it rejected challenges concerning the authentication and relevance of evidence. The court also concluded that the jury instructions, read as a whole, were not prejudicially erroneous.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Wright, J.; Heavican, C.J.; Connolly, J.; Miller-Lerman, J.; Cassel, J.; Stacy, J.; Riedmann, Judge
JURISDICTION	Nebraska
DECIDED	March 18, 2016
DOCKET	No. S-15-045
DISPOSITION	affirmed
PROCEDURAL POSTURE	Andrew Casterline appealed from jury convictions in the District Court for Webster County for first degree murder, use of a deadly weapon to commit a felony, and burglary.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by asking whether, viewing the evidence most favorably to the prosecution, any rational trier of fact could have found the essential elements beyond a reasonable doubt; the appellate court does not resolve conflicts, assess credibility, or reweigh evidence. Evidentiary rulings committed to the trial court's discretion, including authentication and witness qualification, are reviewed for abuse of discretion. Jury-instruction correctness is reviewed as a question of law independently of the lower court's conclusion. An appellant challenging an instruction must show prejudice or adverse effect on a substantial right; instructions are considered as a whole.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

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evidence

authentication

jury instructions

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether sufficient evidence supported Casterline's convictions for first degree murder and use of a deadly weapon to commit a felony under principal or aiding-and-abetting theories.
2. Whether a letter purportedly written by Casterline was sufficiently authenticated under Nebraska Evidence Rule 901.
3. Whether the trial court erred by admitting the knife found in the Jeep, including whether the relevance and Rule 403 objections were preserved.
4. Whether the jury instructions properly stated the law by providing that Casterline could be guilty either alone or by aiding another, and whether refusal of his proposed instructions was prejudicial.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Casterline guilty of first degree murder and use of a deadly weapon to commit a felony, either as a principal or as an aider and abettor.
2. For felony murder, there is no statutory requirement that the intent to rob be formed at a particular time, so long as the homicide occurs as a result of acts committed while the robbery is being perpetrated.
3. The letter was sufficiently authenticated under Nebraska Evidence Rule 901 because the State presented evidence sufficient to support a finding that it was a letter from Casterline to Jamilowski.
4. The challenge to admission of the knife was waived insofar as it relied on untimely or different objections, and the knife was admissible in any event because it was relevant and its probative value was not substantially outweighed by unfair prejudice.
5. The instructions stating that Casterline could be guilty either alone or by aiding another correctly stated the law, were warranted by the evidence, and were not misleading when read as a whole; refusal of Casterline's alternative instructions was not prejudicial.

KEY QUOTATIONS

"The relevant question for an appellate court is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (51-52)

"A proponent of evidence is not required to conclusively prove the genuineness of the evidence or to rule out all possibilities inconsistent with authenticity." (57)

“All the jury instructions must be read together, and if, taken as a whole, they correctly state the law, are not misleading, and adequately cover the issues supported by the pleadings and the evidence, there is no prejudicial error necessitating reversal.” (60)

FACTUAL BACKGROUND

Barone was found dead in her home after sustaining 22 stab wounds, and her vehicle and debit card were missing. Evidence showed that Casterline and Shelley used Barone's debit card, drove her vehicle, sold property stolen from a neighboring residence, and were apprehended together in Iowa with Barone's card, stolen property, and a knife bearing Casterline's DNA. Barone's blood was found on Casterline's shoe and jeans, and testimony indicated that Casterline was present during the killing and may have participated in obtaining Barone's vehicle, card, and PIN. Shelley admitted killing Barone but gave accounts that conflicted with other evidence and attempted to exculpate Casterline.

PROCEDURAL HISTORY

Following a jury trial, Casterline was convicted on all three charges and received consecutive sentences of life imprisonment for first degree murder, 49 to 50 years for use of a deadly weapon to commit a felony, and 19 to 20 years for burglary. He timely appealed, challenging the sufficiency of the evidence supporting the murder and weapon convictions, the admission of a letter and a knife, and the jury instructions.

DISPOSITION

affirmed

CASES CITED

- State v. Escamilla, 291 Neb. 181, 864 N.W.2d 376 (2015)
- State v. Johnson, 290 Neb. 862, 862 N.W.2d 757 (2015)
- State v. Henderson, 289 Neb. 271, 854 N.W.2d 616 (2014)
- State v. Armagost, 291 Neb. 117, 864 N.W.2d 417 (2015)
- State v. Leonor, 263 Neb. 86, 638 N.W.2d 798 (2002)
- State v. Montgomery, 191 Neb. 470, 215 N.W.2d 881 (1974)
- State v. Kitt, 284 Neb. 611, 823 N.W.2d 175 (2012)
- State v. Elseman, 287 Neb. 134, 841 N.W.2d 225 (2014)
- State v. Draganescu, 276 Neb. 448, 755 N.W.2d 57 (2008)
- State v. Taylor, 282 Neb. 297, 803 N.W.2d 746 (2011)
- State v. Oliveira-Coutinho, 291 Neb. 294, 865 N.W.2d 740 (2015)
- State v. Ramirez, 287 Neb. 356, 842 N.W.2d 694 (2014)
- State v. Abram, 284 Neb. 55, 815 N.W.2d 897 (2012)
- State v. Watt, 285 Neb. 647, 832 N.W.2d 459 (2013)
- State v. Morgan, 286 Neb. 556, 837 N.W.2d 543 (2013)

- State v. Brunzo, 248 Neb. 176, 532 N.W.2d 296 (1995)

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