

SUPREME COURT OF THE STATE OF KANSAS

State v. Arroyo

State v. Arroyo · No. No. 128,013 · Decided February 13, 2026

SUMMARY

The Kansas Supreme Court affirmed Efrain D. Arroyo’s convictions and sentence for first-degree felony murder, aggravated kidnapping, criminal use of weapons, and driving a vehicle without the assigned tag. The court held that the prosecutor’s closing-argument comment about the defense’s ability to present evidence was not prosecutorial error in context. The court assumed error in failing to give lesser-included-offense instructions for simple kidnapping and criminal restraint but held that any such error was harmless.

CASE DETAILS

COURT	Supreme Court of the State of Kansas
WRITING FOR THE COURT	Walsh, J.
JURISDICTION	Supreme Court of the State of Kansas
DECIDED	February 13, 2026
DOCKET	No. 128,013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from jury convictions and sentence for first-degree felony murder, aggravated kidnapping, criminal use of a weapon, and driving a vehicle without the assigned tag.
STANDARD OF REVIEW	Prosecutorial-error claims are reviewed under a two-step framework: whether the prosecutor exceeded the wide latitude afforded in presenting the State's case and, if so, whether the error was harmless beyond a reasonable doubt. Requested jury-instruction issues involve unlimited review of jurisdiction, preservation, and legal appropriateness; sufficiency is viewed in the light most favorable to the requesting party; any error is then reviewed for harmlessness. For nonconstitutional instructional error, the question is whether there is a reasonable probability that the error affected the outcome in light of the entire record.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Kansas
PARTIES	Efrain D. Arroyo v. State of Kansas

TOPICS

prosecutorial misconduct

jury instructions

lesser included offense instructions

harmless error

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

QUESTIONS PRESENTED

1. Whether the prosecutor committed reversible error by stating during rebuttal that the defense had the same opportunity as the State to present helpful evidence or witnesses.
2. Whether the district court reversibly erred by refusing requested jury instructions on simple kidnapping and criminal restraint as lesser included offenses of aggravated kidnapping.
3. Whether the alleged errors cumulatively warranted reversal.

HOLDINGS

1. The prosecutor did not commit error. In context, the remark permissibly responded to defense arguments about the State's superior resources, the alleged purchase of testimony, and the State's failure to present particular evidence or witnesses; it did not comment on Arroyo's failure to testify, shift the burden of proof, or penalize him for exercising his right to a jury trial.
2. The district court erred by refusing the requested instructions, because simple kidnapping and criminal restraint were legally and factually appropriate lesser included offenses of aggravated kidnapping. The error was nevertheless harmless, individually and cumulatively, because there was no reasonable probability that the omitted instructions affected the verdict.

KEY QUOTATIONS

"Kansas appellate courts apply a two-step framework when reviewing claims of prosecutorial error." (1)

"Prosecutors generally err if they comment, even indirectly, on a defendant's failure to testify." (1)

"When the defense creates an inference that the State's evidence is not credible because the State failed to admit a certain piece of evidence, a prosecutor does not necessarily err by informing the jury that the defense has the ability to introduce evidence, which rebuts the defense's inference." (1)

FACTUAL BACKGROUND

Christian Hernandez was abducted after leaving a residence with Arroyo and others and was later found bound and shot four times in the back of the head. Witnesses testified that Arroyo was angry with Hernandez over a truck, possessed firearms, directed others during the events, obtained rope or duct tape, and restrained Hernandez. Circumstantial evidence included Arroyo's statements after the killing, his DNA on the rope, Hernandez's blood in the vehicle, and evidence that Arroyo was alone with Hernandez after the vehicle's final departure from a residence. The murder weapon was never found, and the precise events between approximately 4:18 a.m. and the discovery of Hernandez's body were not established.

PROCEDURAL HISTORY

The Sedgwick District Court consolidated two criminal cases for trial. After a jury convicted Arroyo on all counts, the court sentenced him to life imprisonment without parole for 25 years for felony murder, consecutive terms of 186 months for aggravated kidnapping and 9 months for criminal use of a weapon, and a \$500 fine for driving without the assigned tag. Arroyo directly appealed, challenging prosecutorial error during closing argument and the refusal to give lesser included offense instructions.

DISPOSITION

affirmed

CASES CITED

- State v. Timley, 311 Kan. 944, 949-50, 469 P.3d 54 (2020)
- State v. King, 308 Kan. 16, 30, 417 P.3d 1073 (2018)
- State v. Blevins, 313 Kan. 413, 428, 437, 485 P.3d 1175 (2021)
- Griffin v. California, 380 U.S. 609, 614, 85 S. Ct. 1229, 14 L. Ed. 2d 106 (1965)
- State v. Tosh, 278 Kan. 83, 92, 91 P.3d 1204 (2004)
- State v. Martinez, 311 Kan. 919, 922-23, 468 P.3d 319 (2020)
- State v. Williams, 299 Kan. 911, 937-42, 329 P.3d 400 (2014)
- State v. Stubbs, 320 Kan. 568, 570 P.3d 1209 (2025)
- State v. Hachmeister, 311 Kan. 504, 516, 464 P.3d 947 (2020)
- State v. Blansett, 309 Kan. 401, 415, 435 P.3d 1136 (2019)
- State v. Plummer, 295 Kan. 156, 163, 168, 283 P.3d 202 (2012)
- State v. Becker, 311 Kan. 176, 181, 459 P.3d 173 (2020)
- State v. Harris, 310 Kan. 1026, 1035, 453 P.3d 1172 (2019)
- State v. Simmons, 282 Kan. 728, 742, 148 P.3d 525 (2006)
- State v. Barnes, 320 Kan. 147, 176, 563 P.3d 1255 (2025)
- State v. McCullough, 293 Kan. 970, 983, 270 P.3d 1142 (2012)
- State v. Pepper, 317 Kan. 770, 779, 539 P.3d 203 (2023)
- State v. Douglas, 313 Kan. 704, 716, 490 P.3d 34 (2021)
- State v. Williams, 308 Kan. 1439, 1462-63, 430 P.3d 448 (2018)

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