

SUPREME COURT OF MINNESOTA

Hawes v. State

826 N.W.2d 775 (Minn. 2013) · Decided February 27, 2013

SUMMARY

The Minnesota Supreme Court affirmed Andrew Hawes’s convictions for aiding and abetting first-degree premeditated murder and obstructing an investigation, as well as the denial of postconviction relief. The court held that Hawes failed to show a reasonable probability that alleged trial-counsel errors concerning hearsay and Confrontation Clause objections affected the outcome. It further concluded that any error in admitting out-of-court statements by Hawes’s sister and girlfriend was harmless beyond a reasonable doubt.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Page, Justice
JURISDICTION	Minnesota
DECIDED	February 27, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hawes appealed both his criminal convictions and the denial of his petition for postconviction relief. The Supreme Court of Minnesota consolidated the direct appeal and postconviction appeal.
STANDARD OF REVIEW	The denial of postconviction relief based on ineffective assistance of counsel is reviewed de novo because it presents a mixed question of law and fact. Whether admission of evidence violates the Confrontation Clause is also reviewed de novo. Confrontation Clause errors are reviewed for harmlessness beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Andrew Hawes v. State of Minnesota

TOPICS

ineffective assistance

post-conviction relief

sixth amendment

criminal procedure

evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to object on hearsay and Confrontation Clause grounds to testimony concerning Edwin Hawes's out-of-court statements to police.
2. Whether admission of out-of-court statements made by Elizabeth Hawes and Kristina Dorniden to police violated Hawes's rights under the Confrontation Clause of the Sixth Amendment.

HOLDINGS

1. Hawes failed to establish ineffective assistance of counsel because he did not show a reasonable probability that, but for counsel's failure to object to the challenged statements, the outcome of the trial would have been different.
2. Any error in admitting the challenged out-of-court statements was harmless beyond a reasonable doubt because the guilty verdict was surely unattributable to the statements.

KEY QUOTATIONS

"We also hold that any error in the admission of statements made by Elizabeth Hawes and Dorniden was harmless beyond a reasonable doubt." (at 789)

"Therefore, we affirm Hawes' conviction." (at 789)

FACTUAL BACKGROUND

Edwin Hawes disappeared on October 29, 2008, and his burned remains were found two days later in a fire pit on property owned by Andrew Hawes. The evidence showed that Hawes and others planned an encounter to retrieve Edwin's vehicle, brought weapons and prepaid phones, attacked Edwin with a crossbow and blunt-force weapons, and later attempted to clean the crime scene and burn his body. Hawes testified that the incident began as an effort to repossess the vehicle and that Edwin's death was not premeditated.

PROCEDURAL HISTORY

A jury found Hawes guilty of aiding and abetting first-degree premeditated murder and obstructing an investigation, and he was sentenced to life imprisonment without the possibility of parole. The court stayed his direct appeal so he could pursue postconviction relief. After an evidentiary hearing, the postconviction court denied relief, and the Minnesota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Spreigl, 272 Minn. 488, 496-97, 139 N.W.2d 167, 172-73 (1965)

- Strickland v. Washington, 466 U.S. 668, 694, 697-98 (1984)
- State v. Rhodes, 657 N.W.2d 823, 842 (Minn. 2003)
- Williams v. State, 764 N.W.2d 21, 29-30 (Minn. 2009)
- State v. Buchanan, 431 N.W.2d 542, 547 (Minn. 1988)
- State v. Hughes, 749 N.W.2d 307, 313 (Minn. 2008)
- State v. Holliday, 745 N.W.2d 556, 563 (Minn. 2008)
- State v. Moua, 678 N.W.2d 29, 40 (Minn. 2004)
- State v. Moore, 481 N.W.2d 355, 361 (Minn. 1992)
- State v. Alton, 432 N.W.2d 754, 757 (Minn. 1988)
- State v. Kendell, 723 N.W.2d 597, 606 (Minn. 2006)
- State v. McArthur, 730 N.W.2d 44, 50 (Minn. 2007)
- State v. Caulfield, 722 N.W.2d 304, 308 (Minn. 2006)
- Crawford v. Washington, 541 U.S. 36, 42 (2004)
- State v. Courtney, 696 N.W.2d 73, 79-80 (Minn. 2005)
- State v. Wright, 726 N.W.2d 464, 476 (Minn. 2007)
- Townsend v. State, 646 N.W.2d 218, 224 (Minn. 2002)