

SUPREME COURT OF KANSAS

State v. DeAnda

299 Kan. 594 (2014) · Decided May 23, 2014

SUMMARY

The Kansas Supreme Court held that the former Kansas statutory procedure for imposing a hard 50 sentence violated the Sixth Amendment under *Alleyne* because a judge, rather than a jury, found the aggravating facts by a preponderance of the evidence. The court vacated Joaquin DeAnda’s hard 50 sentence and remanded for resentencing, declining to decide his hearsay claim and vacating the unauthorized lifetime postrelease supervision order. The court also held that the evidence was sufficient to support the alleged aggravating circumstance.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Moritz, J.
JURISDICTION	Kansas
DECIDED	May 23, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a sentence imposed after DeAnda pleaded guilty to first-degree premeditated murder. DeAnda challenged the constitutionality of the former Kansas hard 50 sentencing procedure, the sufficiency of the evidence supporting the aggravating circumstance, the admission of hearsay at sentencing, and lifetime postrelease supervision.
STANDARD OF REVIEW	Constitutional challenges to the sentencing procedure are reviewed under the Sixth Amendment principles articulated in <i>Alleyne</i> and <i>Soto</i> . For sufficiency of the aggravating circumstance, the court viewed the evidence in the light most favorable to the prosecution and asked whether a rational factfinder could have found the circumstance beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; binding precedent in Kansas.
PARTIES	Joaquin DeAnda v. State of Kansas

TOPICS

sentencing

sixth amendment

criminal procedure

appellate procedure

evidence

PRACTICE AREAS

criminal law

criminal sentencing

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Kansas's former hard 50 sentencing procedure violated the Sixth Amendment by allowing a judge, rather than a jury, to find aggravating facts that increased the mandatory minimum sentence.
2. Whether the evidence was sufficient to support the aggravating circumstance that DeAnda committed the murder in an especially heinous, atrocious, or cruel manner through desecration of the victim's body demonstrating a particular depravity of mind.
3. Whether the district court had authority to impose lifetime postrelease supervision with an off-grid indeterminate life sentence.
4. Whether DeAnda's challenge to hearsay admitted at sentencing remained justiciable after the sentence was vacated.

HOLDINGS

1. The former Kansas hard 50 sentencing procedure under K.S.A. 21-4635 violated the Sixth Amendment because it allowed a judge to find aggravating circumstances by a preponderance of the evidence when those circumstances increased the mandatory minimum sentence.
2. The hard 50 sentence had to be vacated and the case remanded for resentencing because the sentencing error could not be deemed harmless on this record.
3. The evidence was sufficient for a rational factfinder to find beyond a reasonable doubt that DeAnda committed the murder in an especially heinous, atrocious, or cruel manner by desecrating the victim's body in a manner demonstrating a particular depravity of mind.
4. The unauthorized order of lifetime postrelease supervision had to be vacated because a sentencing court lacks authority to impose postrelease supervision in conjunction with an off-grid indeterminate life sentence.

KEY QUOTATIONS

"Based on Soto and its application of Alleyne, we conclude the district court violated DeAnda's Sixth Amendment right to a jury trial in imposing the hard 50 sentence using the K.S.A. 21-4635 statutory procedure." (600)

"Even if DeAnda's postmortem acts of stepping on J.Q.'s neck, cutting her neck in three places, and inflicting burns on her body are insufficient evidence of desecration in a manner demonstrating a particular depravity of mind, we have no hesitancy in finding that a rational factfinder could conclude beyond a reasonable doubt that DeAnda's act of having sexual intercourse with what he believed to be J.Q.'s dead body was heinous to a great degree, demonstrating the particular depravity of mind contemplated by K.S.A. 21-4636(f)(6)." (604)

FACTUAL BACKGROUND

In December 2008, 17-year-old Joaquin DeAnda killed 16-year-old J.Q. by choking her and later stepping on her neck to ensure she was dead. He concealed and transported her body, placed it in a dumpster, inflicted or was associated with postmortem injuries, and told a mental-health evaluator that he had sexual intercourse with J.Q.'s dead body. After pleading guilty to first-degree premeditated murder, DeAnda received a hard 50 sentence based on the aggravating circumstance that the murder involved desecration of the victim's body demonstrating a particular depravity of mind.

PROCEDURAL HISTORY

DeAnda was certified for adult prosecution after being charged as a juvenile with murder, rape, and aggravated criminal sodomy. He pleaded guilty to first-degree premeditated murder under an agreement dismissing the remaining charges, and the district court imposed a hard 50 sentence after finding an aggravating circumstance. The Kansas Supreme Court vacated the sentence because the former procedure permitted a judge to find sentence-enhancing facts, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the hard 50 sentence and conduct a new sentencing hearing. The court did not decide whether the State could seek a hard 50 sentence under the amended statute; that issue could be presented to the district court if the State pursued the sentence on remand. The lifetime postrelease supervision order was also vacated.

CASES CITED

- State v. Soto, 299 Kan. 102, Syl. ¶ 9, 322 P.3d 334 (2014)
- Alleyne v. United States, 570 U.S. ___, 133 S. Ct. 2151, 2155, 2162-63, 186 L. Ed. 2d 314 (2013)
- State v. Hall, 292 Kan. 862, 866, 868, 257 P.3d 263 (2011)
- Ring v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002)
- Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000)
- State v. Buehler-May, 279 Kan. 371, 388-89, 110 P.3d 425, cert. denied, 546 U.S. 980 (2005)
- State v. Cash, 293 Kan. 326, Syl. ¶ 2, 263 P.3d 786 (2011)