

SUPREME COURT OF LOUISIANA

State of Louisiana v. Eric Dale Mickelson

2012-KA-2539 · No. 2012-KA-2539 · Decided September 3, 2014

SUMMARY

The Supreme Court of Louisiana reversed Eric Dale Mickelson’s first-degree murder conviction and death sentence and remanded for a new trial. The court found the evidence sufficient to support specific intent but held that the district court erred in denying a challenge for cause to a prospective juror, requiring reversal under Louisiana law.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Weimer, J.; Johnson, C.J.; Victory, J.; Knoll, J.; Guidry, J.; Clark, J.; Hughes, J.
JURISDICTION	Louisiana
DECIDED	September 3, 2014
DOCKET	2012-KA-2539
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a first-degree murder conviction and death sentence after the district court denied the defendant's challenge for cause to a prospective capital juror.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed under whether, viewing the evidence in the light most favorable to the prosecution, a rational factfinder could find every element proved beyond a reasonable doubt. A district court's ruling on a challenge for cause is reviewed for abuse of discretion, with great deference to the trial court's assessment of voir dire; however, reversal is required when the record shows the juror could not accept the law and was not rehabilitated.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; binding precedent on the stated Louisiana rules governing capital jury challenges, consideration of mitigating circumstances, and presumed prejudice after exhaustion of peremptory challenges.
PARTIES	Eric Dale Mickelson v. State of Louisiana

TOPICS

jury selection

sentencing

criminal procedure

appellate procedure

reasonable doubt

PRACTICE AREAS

Criminal law

Capital punishment

Criminal procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient for a rational factfinder to find beyond a reasonable doubt that Mickelson possessed the specific intent required for first-degree murder despite evidence of cocaine intoxication.
2. Whether the district court erred in denying Mickelson's challenge for cause to prospective juror Roy Johnson, where Johnson repeatedly stated that he would not consider intoxication as a mitigating circumstance in capital sentencing and Mickelson exhausted his peremptory challenges.
3. Whether the district court's denial of the challenge for cause required reversal of the conviction and death sentence.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find that Mickelson had the specific intent to kill or inflict great bodily harm, notwithstanding evidence that he was intoxicated.
2. A prospective juror must be excused for cause when the juror's responses establish an inability or unwillingness to follow the law requiring consideration of relevant mitigating circumstances, and the juror is not rehabilitated.
3. When the district court erroneously denies a defendant's challenge for cause, the defendant uses a peremptory challenge to remove the juror, and the defendant exhausts all available peremptory challenges, prejudice is presumed and reversal is automatic.
4. The capital-sentencing statute permits the sentencing hearing to focus on the character and propensities of the victim, and the district court erred in excluding testimony about the victim's character and propensities.

KEY QUOTATIONS

“When a prospective juror holding such an opinion is not excused for cause, and the defense exhausts its peremptory challenges, as occurred here, there is reversible error.” (25-26)

“The defendant’s conviction and sentence are reversed. The case is remanded to the district court for a new trial.” (26)

FACTUAL BACKGROUND

Charles Martin, age eighty-six, was strangled in his Shreveport home in July 2007. Evidence showed that Mickelson and Beverly Arthur entered Martin's home, stole property, and that Mickelson strangled Martin until he stopped moving; Mickelson later helped move and dispose of the body. Mickelson admitted the killing during

a police interview but asserted that he and Arthur had used crack cocaine around the time of the offense. At trial, a prospective juror repeatedly stated that he would not treat drug or alcohol intoxication as a mitigating circumstance during the penalty phase and would impose death if the defendant killed while under the influence.

PROCEDURAL HISTORY

A Caddo Parish grand jury indicted Mickelson for first-degree murder. After a jury trial, he was convicted and sentenced to death. On direct appeal, the Louisiana Supreme Court found the evidence sufficient to support the conviction but held that the district court reversibly erred in denying a challenge for cause to prospective juror Roy Johnson, who repeatedly stated that he would not consider intoxication as a mitigating circumstance and had exhausted his peremptory challenges.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The conviction and death sentence are vacated, and the case is remanded to the district court for a new trial.

CASES CITED

- Hudson v. Louisiana, 450 U.S. 40 (1981)
- State v. Maxie, 93-2158 (La. 4/10/95), 653 So.2d 526
- Jackson v. Virginia, 443 U.S. 307, 316 (1979)
- State v. Martin, 93-0285 (La. 10/17/94), 645 So.2d 190
- State v. Captville, 448 So.2d 676 (La. 1984)
- State v. Broaden, 99-2124 (La. 2/21/01), 780 So.2d 349
- State v. Graham, 420 So.2d 1126 (La. 1982)
- State v. Cousan, 94-2503 (La. 11/25/96), 684 So.2d 382
- State v. Legrand, 02-1462 (La. 12/3/03), 864 So.2d 89
- State v. Smith, 94-2588 (La. App. 4 Cir. 3/27/96), 672 So.2d 1034
- State v. Davis, 92-1623 (La. 5/23/94), 637 So.2d 1012
- State v. Monroe, 366 So.2d 1345 (La. 1978)
- State v. Campbell, 06-0286 (La. 5/21/08), 983 So.2d 810
- State v. Robertson, 92-2660 (La. 1/14/94), 630 So.2d 1278
- State v. Ross, 623 So.2d 643 (La. 1993)
- State v. Breedlove, 199 La. 965, 7 So.2d 221 (1942)
- State v. Magee, 11-0574 (La. 9/28/12), 103 So.3d 285
- State v. Blank, 04-0204 (La. 4/11/07), 955 So.2d 90
- Morgan v. Illinois, 504 U.S. 719 (1992)
- Witherspoon v. Illinois, 391 U.S. 510 (1968)

- Blystone v. Pennsylvania, 494 U.S. 299, 307 (1990)
- State v. Miller, 99-0192 (La. 9/6/00), 776 So.2d 396
- State v. Cross, 93-1189 (La. 6/30/95), 658 So.2d 683
- State v. Frost, 97-1771 (La. 12/1/98), 727 So.2d 417
- State v. Hallal, 557 So.2d 1388 (La. 1990)
- State v. Brown, 496 So.2d 261 (La. 1986)
- State v. Jones, 474 So.2d 919 (La. 1985)
- State v. Lee, 559 So.2d 1310, 1318 (La. 1990)
- State v. Lucky, 96-1687 (La. 4/13/99), 755 So.2d 845
- State v. Sugar, 408 So.2d 1329 (La. 1982)
- State v. Taylor, 1999-1311 (La. 1/17/01), 781 So.2d 1205
- State v. Odenbaugh, 10-00268 (La. 12/6/11), 82 So.3d 215
- State v. Carmouche, 01-0405 (La. 5/14/02), 872 So.2d 1020
- State v. Jacobs, 99-1659 (La. 6/29/01), 789 So.2d 1280
- State v. Holmes, 06-2988 (La. 12/2/08), 5 So.3d 42
- State v. Ball, 2000-2277 (La. 1/25/02), 824 So.2d 1089