

SUPREME COURT OF UTAH

State v. Reyes

31 P.3d 516 (Utah 2001) · Decided August 7, 2001

SUMMARY

Hector Eduardo Reyes appealed his fifteen-years-to-life sentence following his guilty plea to rape of a child. The court rejected his challenges to the sentence, his claim that the sentence constituted cruel and unusual punishment, and his claims of ineffective assistance of trial and appellate counsel. The sentence was affirmed, and appointed counsel's motion to withdraw was granted.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Court of Utah                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION       | Utah                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| DECIDED            | August 7, 2001                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION        | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE | Reyes pleaded guilty to rape of a child and appealed his fifteen-years-to-life sentence, asserting sentencing error, cruel and unusual punishment, and ineffective assistance of trial and appellate counsel. The Utah Supreme Court independently reviewed the Anders brief and the findings from a temporary remand under Utah Rule of Appellate Procedure 23B.                                                                                                       |
| STANDARD OF REVIEW | The court reviewed the sentencing challenge for abuse of discretion, evaluated the cruel-and-unusual-punishment claim under applicable constitutional proportionality principles, and independently reviewed the Anders brief and the Rule 23B findings. Ineffective-assistance claims required proof that counsel's performance fell below an objective standard of reasonableness and that the alleged errors caused a more favorable result to be reasonably likely. |
| PRECEDENTIAL VALUE | Published Utah Supreme Court opinion; precedential                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PARTIES            | Hector Eduardo Reyes v. State of Utah                                                                                                                                                                                                                                                                                                                                                                                                                                   |

TOPICS

- sentencing
- ineffective assistance
- plea bargaining
- cruel and unusual punishment
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the district court abused its discretion by sentencing Reyes to fifteen years to life.
2. Whether the sentence constituted cruel and unusual punishment.
3. Whether Reyes's trial counsel rendered ineffective assistance.
4. Whether Reyes's appellate counsel rendered ineffective assistance by filing an Anders brief and moving to withdraw.

## HOLDINGS

1. The district court had an ample basis for imposing the fifteen-years-to-life sentence, and the sentencing challenge was meritless.
2. A fifteen-year minimum sentence and potential life sentence for the aggravated rape of a child did not constitute cruel and unusual punishment.
3. Reyes failed to establish ineffective assistance of trial counsel.
4. Reyes failed to establish ineffective assistance of appellate counsel because he did not show that counsel's Anders brief prejudiced him or prevented him from raising a meritorious argument.

## KEY QUOTATIONS

*"The crime to which Reyes pled guilty, rape of a child, is one of the most heinous offenses in the criminal code."* (31 P.3d at 519)

*"In this light, neither the fifteen-year minimum sentence nor the potential life sentence " 'shock[s] the moral sense' ""* (31 P.3d at 519)

## FACTUAL BACKGROUND

Reyes pleaded guilty to rape of his eleven-year-old daughter after police discovered a videotape depicting sexual intercourse and forced oral sex. The evidence and sentencing materials described repeated abuse over several years, threats, and severe psychological trauma to the victim. The district court found multiple aggravating factors, including repeated abuse of a particularly vulnerable victim, extensive traumatization, extreme cruelty and depravity, denial of responsibility, and lack of amenability to treatment, and imposed a sentence of fifteen years to life.

## PROCEDURAL HISTORY

The district court accepted Reyes's guilty plea and sentenced him to fifteen years to life. On direct appeal, appointed counsel filed an Anders brief and moved to withdraw. The Supreme Court temporarily remanded for findings on Reyes's ineffective-assistance claims, after which the district court rejected those claims. Reyes did not file a supplemental appellate brief, and the Supreme Court affirmed the sentence and granted counsel's motion to withdraw.

## DISPOSITION

affirmed

## CASES CITED

- Anders v. California, 386 U.S. 738, 744, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- State v. Clayton, 639 P.2d 168, 170 (Utah 1981)
- State v. Herrera, 1999 UT 64, ¶¶ 31-33, 993 P.2d 854
- State v. Gardner, 947 P.2d 630, 633 (Utah 1997)
- Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- State v. Arguelles, 921 P.2d 439, 441 (Utah 1996)