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LAMBRIX v. SINGLETARY 117 S.Ct. 1517 (1997) United States Supreme Court

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believe from all the evidence that the death penalty is not justified, then you shall fix the punishment at life imprisonment. Paragraph four also refers only to the aggravator. This juxtaposition of paragraphs and phrases, most of which refer only to the aggravator, may lead to a potential misunderstanding of the instruction.  

The dissent reasoned that the instruction, when read in its entirety as the jury would have received it, could reasonably be read to say, “If you find the defendant eligible for death, you may impose the death penalty, but if you find (on the basis of ‘all the evidence’) that death penalty is not ‘justified,’ which is to say that the defendant is not eligible for the death penalty, then you must impose life imprisonment.” The dissent went on to say that “[w]ithout any further explanation, the jury might well believe that whether death is, or is not, ‘justified’ turns on the presence or absence of Paragraph 2’s aggravating circumstances [ ]—not upon the defendant’s mitigating evidence ...” 

The majority concluded that even if the instruction was deficient for not pointing out the existence of the mitigating evidence presented at trial, the jury was more than aware of this evidence. The dissent stated, however, that “the presentation of evidence does not tell the jury that the evidence presented is relevant and can be taken into account—particularly in the context of an instruction that seems to exclude the evidence from the universe of relevant considerations.” 

After this case, defense counsel in Virginia should continue to object to the use of Virginia Model Criminal Instruction 34.125 as vague, confusing, and insufficient to adequately guide the discretion of the jury. If this objection is overruled, counsel should insist that Virginia Model Criminal Instruction 34.127, or a similar general mitigating evidence instruction, be used as well. Virginia Model Criminal Instruction 34.127 explicitly requires the jury to consider “any evidence presented of circumstances which do not justify or excuse the offense but which in fairness or mercy may extenuate or reduce the degree of moral culpability and punishment.” Further, defense counsel should continue requesting specific instructions on the statutory mitigating factors relevant in their case. The Buchanan Court only held that giving an instruction on mitigating evidence is not constitutionally required. Trial judges, however, are not prohibited from giving such instructions and may, in their discretion, choose to do so in any case.

Summary and analysis by: 
Brian S. Clarke

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**LAMBRIX v. SINGLETARY**

117 S.Ct. 1517 (1997)
United States Supreme Court

FACTS

Cary Michael Lambrix was convicted in Florida state court on two counts of first-degree murder for the 1983 killing of a man and woman who, after meeting Lambrix and his girlfriend at a local tavern, had returned to his trailer for dinner. In the sentencing phase of the trial, the trial court instructed the jury on five aggravating circumstances. One such instruction involved the “especially heinous, atrocious, or cruel” (HAC) aggravator. The jury issued an advisory sentence of death for each count of murder, and the trial court sentenced Lambrix to death on both counts after finding five aggravating factors with respect to the murder of one of the victims, four aggravating factors with respect to the murder of the other victim, and no mitigating factors with respect to either murder. The Florida Supreme Court upheld Lambrix’s convictions and sentences on direct appeal. 

Lambrix made multiple attempts to obtain collateral relief, all of which were subsequently denied. He next sought a writ of habeas corpus in the United States District Court for the Southern District of Florida, which rejected all of his claims. He appealed the decision to the United States Court of Appeals, Eleventh Circuit. While that appeal was pending, the
United States Supreme Court decided Espinosa v. Florida, which, because Florida constituted a "weighing" state, bore on Lambrix's claim regarding the improper jury instruction on the HAC aggravator. Lambrix contended that the jury instruction as to the HAC aggravator provided insufficient guidance to limit the jury's discretion and that the trial court's subsequent independent weighing of the aggravating and mitigating circumstances did not cure this error. The court of appeals held Lambrix's habeas proceedings in abeyance to allow Lambrix to assert his Espinosa claim in Florida state court. The Florida Supreme Court deemed Lambrix's Espinosa claim procedurally barred and rejected it without considering its merits. Lambrix returned to the court of appeals, which declined to acknowledge the procedural bar issue and instead solely considered Lambrix's Espinosa claim. The court of appeals determined that Espinosa constituted a new rule that, under the edict of Teague v. Lane, could not be applied retroactively. The United States Supreme Court granted certiorari.

**HOLDING**

While noting that courts ordinarily should consider procedural bar issues before proceeding to constitutional issues, the Court declined to resolve the procedural bar issue and instead decided the case on Teague grounds. In a majority opinion penned by Justice Scalia, the Court held that the rule of Espinosa v. Florida was not "dictated" by pre-existing precedent when the defendant's conviction became final. Instead, the court found that Espinosa constituted a "new rule" incapable of retroactive application under Teague. In so holding, the Court set forth the tripartite inquiry that federal habeas courts should make in conducting a Teague analysis. Finally, the Court found that Lambrix's case did not fall within either exception to the bar against retroactivity and, thus, that Lambrix could not avail himself of the rule enunciated in Espinosa.

**ANALYSIS/APPLICATION IN VIRGINIA**

I. The Court's Strained Teague Analysis of Espinosa "Dictates" a Closer Look

In Lambrix, the Court noted that Espinosa "did not purport to rely upon any controlling precedent" and suggested that this fact controlled its Teague assessment of the case. The Court's interpretation of the substance of Espinosa's holding was also determinative of the result it reached. The majority opinion stated that Espinosa's "central conclusion" was that "indirect weighing of an invalid aggravator 'creates the same potential for arbitrariness' as direct weighing of an invalid aggravator." Yet, the Court proceeded to cite cases standing for the proposition that jurors' consideration of improper aggravators could be cured by appellate review, and then concluded that these cases did not dictate the result reached in Espinosa. In making that argument, the Court argued by implication that Espinosa's holding stood contrary to the previously accepted proposition that errors involving improperly vague instructions on aggravators could be cured on appellate review. As the final step in its analysis, the Court set forth three other conclusions regarding the dictates of the law that reasonable jurists could have made at the time that Lambrix's sentence was issued.

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505 U.S. 1079 (1992) (holding that in a "weighing" state in which a judge is required to give deference to a jury's recommended sentence, the Constitution disallows both the judge and the jury from weighing impermissible aggravating circumstances).

1Lambrix, 117 S.Ct. at 1521.

2Id. at 1524.

3Id. at 1522.

4The supreme court found that by requesting a limiting instruction on the HAC instruction, Lambrix had preserved the issue at trial. However, his failure to raise the issue on direct appeal resulted in its procedural default. Id.

5489 U.S. 288 (1989) (holding that "new constitutional rules of criminal procedure will not become applicable to those cases which have become final before the new rules are announced").

6Espinosa, 489 U.S. at 310.

7Lambrix, 117 S.Ct. at 1522.


9Lambrix, 117 S.Ct. at 1523-24. The Court briefly discussed the procedural bar issue and suggested that the arguments asserted by Lambrix in response to the state's contention that his claim was procedurally barred seemed "insubstantial." Id. at 1523. Citing the "independent and adequate state ground" doctrine and its underlying principles of federalism and comity, the Court suggested that a state court could more properly resolve such a claim and should do so before proceeding to constitutional issues. The Court ultimately declined to rule on the procedural bar issue. Id. at 1522-24.

10Id. at 1525.
The Court's standard for determining whether a defendant should be permitted to avail himself or herself of a favorable rule pushes the limits of Teague and virtually renders inevitable the wholesale denial of capital defendants' substantively valid constitutional claims. After noting that Lambrix's conviction became final before the Court decided Espinosa, the Court explained that its "principal task [was] to survey the legal landscape as of that date, to determine whether the rule later announced in Espinosa was dictated by then-existing precedent—whether, that is, the unlawfulness of Lambrix's conviction was apparent to all reasonable jurists." The Court clarified that the proper inquiry was not whether Espinosa was a "reasonable interpretation of prior law," but "whether no other interpretation was reasonable." It is difficult to imagine a case in which the members of the Court would collectively speculate and agree that, indeed, all reasonable jurists would have agreed at a certain time that a rule was absolutely dictated by precedent. This rigid standard, with its overwhelming deference to state court decisions, essentially presupposes the denial of defendants' claims.

II. The Importance of Arguing Both Teague Exceptions

In the face of a Teague analysis, defense counsel should argue that the defendant's case falls within both exceptions. The first exception covers rules that insulate a class of private conduct from governmental proscription or provide substantive categorical guarantees for a particular class of defendants. It appears that in Lambrix, defense counsel contended only that Lambrix's case fell within the first exception, and the Court flatly rejected this contention. The second exception covers "watershed rules of criminal procedure" that implicate concerns of fundamental fairness and accuracy. Lambrix's counsel did not argue that Espinosa claims fall within the second exception. The Court indicated that it would not have been receptive to such an argument. However, as a general proposition, in striving to obtain for a defendant the benefit of a "new rule," defense counsel should construct arguments for both exceptions.

III. The Dissent's Compelling Case for Retroactive Application of Espinosa

Justices Stevens' dissenting opinion, which was joined by Justices Ginsburg and Breyer, set forth a compelling dissent which disputed the majority's analysis of both the meaning of Espinosa and the legal landscape at the time that Lambrix's conviction became final. The dissent concluded that, in fact, precedent did dictate the rule announced in Espinosa. According to the dissent, the Court succeeded in qualifying Espinosa as a new rule incapable of retroactive application only by interpreting Espinosa's holding in an unreasonably broad manner. Justice Stevens stated as follows:

The majority apparently construes Espinosa as holding that the constitutional error in a jury instruction will 'automatically render a defendant's sentence unconstitutional.'...But in holding that a trial judge's sentence may be infected by the jury's consideration of an invalid aggravating factor, Espinosa did not address the entirely separate question of whether the jury's error could be cured or considered harmless either at the trial or the appellate level.

The dissent argued that by imposing a "novel interpretation" upon Espinosa's holding, the majority was able to manipulate its selection of legal precedent and thus cast doubt upon whether the rule announced in Espinosa was dictated by precedent.

The dissent's compelling argument reveals the extent to which the majority was willing to stretch its analysis to reach what is ostensibly the desired result—the denial of relief to defendants whose constitutional claims are otherwise valid. The majority's assessment of Espinosa's holding appears on its face to be more generous toward defendants but, in actuality, was crafted for purposes of defining it as a "new rule." By improperly broadening the holding of Espinosa, the Court succeeded in denying virtually all prospective claimants the benefit of its retroactive application.

Summary and analysis by:
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