

Parker v. Matthews
--- U.S. --- (2012)
Decided June 11, 2012

FACTS: On June 29, 1981, Matthews burglarized and murdered his estranged wife, Marlene, as well as his mother-in-law, Cruse, at their Louisville home. He was arrested that same morning at his mother's house, where he'd fled to clean up. The murder weapon was found on the property. Matthews denied responsibility for the crimes.

He was indicted. Matthews did not contest that he killed the two women, but argued that he acted under "extreme emotional disturbance." Making a successful claim under that defense would have reduced the murder charge to first-degree manslaughter. At trial, he laid out the troubled history of the marriage, as well as the testimony of a psychiatrist who diagnosed him as having an "adjustment disorder" as a result of stress in his life. Matthews also admitted to drinking and having taken drugs that night. He rendered the opinion that Matthews was acting under EED at the time.

Matthews was convicted, however, of murder and sentenced to death. He appealed through the Kentucky appellate courts, which upheld the conviction. Matthews then took a writ of habeas corpus, arguing that the Kentucky Supreme Court had improperly rejected his claim that "the evidence was insufficient to prove that he had not acted under the influence of" EED. The District Court dismissed the writ, but the Sixth Circuit Court of Appeals reversed that decision. The Warden requested certiorari and the U.S. Supreme Court granted review.

ISSUE: Does the burden of disproving a defense of EED fall to the prosecution, once it has been initially introduced by the defendant?

HOLDING: Yes

DISCUSSION: The Sixth Circuit ruled that the Kentucky Supreme Court had "impermissibly shifted to Matthews the burden of proving extreme emotional disturbance, and that the Commonwealth had failed to prove the absence of extreme emotional disturbance beyond a reasonable doubt." At the time of the murder, the allocation of proof in such cases was governed by Gall v. Com., "which placed the burden of producing evidence on the defendant, but left the burden of proving the absence of extreme emotional disturbance with the Commonwealth in those cases in which the defendant had introduced evidence sufficient to raise a reasonable doubt on the issue."¹ In Matthews' case, however, the Kentucky courts placed the burden completely on Matthews. Kentucky had also looked to Wellman v. Com., in which it had ruled that "absence of extreme

¹ 607 S.W.2d 97 (1980).

emotional disturbance is not an element of the crime of murder which the Commonwealth must affirmatively prove.”²

The Court looked to the jury instructions, which required the jury to find that Matthews had not acted under EED at the time of the murder, beyond a reasonable doubt, in effect, assigning that burden to the Commonwealth. The Court agreed that was proper for the jury to make that decision, and noted that the EED claim “was belied ‘by the circumstances of the crime.’” The Court emphasized that “expert testimony does not trigger a conclusive presumption of correctness, and it was not unreasonable to conclude that *the jurors* were entitled to consider the tension between [the expert’s] testimony and their own common-sense understanding of emotional disturbance.” In trying to resolve the conflict, the Sixth Circuit overstepped its authority.

The Court resolved, as well, an issue of prosecutorial misconduct in the Commonwealth’s favor, and reinstated Matthew’s conviction and sentence.

Full Text of Opinion: <http://www.supremecourt.gov/opinions/11pdf/11-845.pdf>

² 694 S.W. 2d696 (Ky. 1985).