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### Court of Appeals of New York, People v. LaValle

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## Court of Appeals of New York, People v. LaValle

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## COURT OF APPEALS OF NEW YORK

People v. LaValle<sup>1</sup>  
(decided June 24, 2004)

Stephen LaValle was convicted of first degree murder and a jury sentenced him to death.<sup>2</sup> On direct appeal to the New York Court of Appeals,<sup>3</sup> LaValle argued that the deadlock instruction<sup>4</sup> delivered to the jury prior to deliberation was unconstitutional under both the federal and state constitutions' Due Process Clauses.<sup>5</sup> Although he did not object at the time the instruction was given, LaValle had requested a ruling on the instruction prior to trial, preserving his argument for appeal.<sup>6</sup> On appeal, the court vacated the death sentence and found the jury deadlock instruction unconstitutional under Article I, Section 6 of the New York State Constitution.<sup>7</sup>

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<sup>1</sup> 817 N.E.2d 341 (N.Y. 2004).

<sup>2</sup> *Id.* at 346.

<sup>3</sup> *Id.* at 344. N.Y. CONST. art. VI, § 3 (b) which provides that the Court of Appeals has jurisdiction "in criminal cases, directly from a court of original jurisdiction where the judgment is of death."

<sup>4</sup> N.Y. CRIM. PRO. LAW. § 400.27 (10) (Consol. 2005) which reads:

The court must also instruct the jury that in the event the jury fails to reach unanimous agreement with respect to the sentence, the court will sentence the defendant to a term of imprisonment with a minimum term of between twenty and twenty-five years and a maximum term of life.

<sup>5</sup> U.S. CONST. amend. XIV states: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law . . . ." N.Y. CONST. art. I, § 6 provides: "No person shall be deprived of life, liberty or property without due process of law."

<sup>6</sup> *LaValle*, 817 N.E.2d at 357.

<sup>7</sup> *Id.* at 344.

Early in the morning of May 31, 1997, a man bumped Monique Sturm's car on a road in Port Jefferson, New York, and then forced himself into her car.<sup>8</sup> She bit his finger and managed to get out through the passenger door.<sup>9</sup> Later that same day, the body of Cynthia Quinn was found eight miles away from the area where the incident with Sturm took place. Quinn had been raped, and her body was covered with puncture wounds, bruises and abrasions.<sup>10</sup>

The two incidents were linked together and it appeared that one person was behind both.<sup>11</sup> LaValle's description and car matched that given by Monique Sturm and a woman who was assaulted weeks earlier when her car was similarly bumped in a nearby area.<sup>12</sup> It was also discovered that LaValle had been convicted in 1986 of sexually assaulting a female driver in a like situation, and was on parole for a burglary conviction.<sup>13</sup> The police therefore arrested LaValle after he reported to his parole officer two days later when it was discovered that his finger was cut.<sup>14</sup>

LaValle told the police that he bumped cars with a woman at 5:45 a.m. on the day of the murder.<sup>15</sup> He reported that the woman yelled at him and attacked him with her pocketbook.<sup>16</sup> LaValle claimed that he pushed the woman into her car in order to

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *LaValle*, 817 N.E.2d at 345.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

calm her down, but when that did not work, he returned to his car and drove away.<sup>17</sup> On his drive home, he pulled over to relieve himself.<sup>18</sup> He explained that it was at this point that Cynthia Quinn spotted him and called him a bum.<sup>19</sup> When he walked towards her, he claimed that she waived a screwdriver-like instrument at him, which he grabbed out of her hands.<sup>20</sup> LaValle admitted that he then stabbed and raped Cynthia Quinn.<sup>21</sup>

After the jury found LaValle guilty of first degree murder, and one count of second degree murder, the trial court dismissed the guilty verdict for second degree murder and the penalty phase commenced.<sup>22</sup> The judge instructed the jurors, pursuant to New York Criminal Procedure Law, Section 400.27(10) that if they could not agree unanimously between a sentence of death and a life sentence without parole, the court would impose a sentence of life imprisonment with parole eligibility after a term of twenty to twenty-five years.<sup>23</sup> Three days later, the penalty phase concluded with a death sentence.<sup>24</sup>

New York's death penalty provision was considered unique in that it was the only one in the country that imposed a more lenient punishment if the jury failed to reach a unanimous

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<sup>16</sup> *LaValle*, 817 N.E.2d at 345.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *LaValle*, 817 N.E.2d at 345.

<sup>22</sup> *Id.* at 346.

<sup>23</sup> *Id.* at 356.

<sup>24</sup> *Id.* at 346.

decision.<sup>25</sup> The court noted that this condition presented a risk that jurors would be coerced into sentencing a defendant to death due to a fear that the defendant might be eligible for parole if they could not reach a unanimous decision.<sup>26</sup> This coercive effect rendered the deadlock instruction invalid under New York case law, as well as the state's Due Process Clause which provides greater protection than its federal counterpart.<sup>27</sup>

In *Beck v. Alabama*,<sup>28</sup> the United States Supreme Court struck down a death penalty provision which prohibited jurors from considering a lesser included offense.<sup>29</sup> The Supreme Court held that forcing the jury to choose between death and acquittal would give rise to unwarranted convictions. On the one hand, the Court found that a jury may be encouraged to punish the defendant due to the belief that he is guilty of a serious crime, but on the other hand, they might acquit if they felt that the defendant did not deserve death.<sup>30</sup> The Court stated that, "[s]uch a risk cannot be tolerated in a case in which the defendant's life is at stake."<sup>31</sup> Therefore, it is constitutionally prohibited to leave out a lesser included offense instruction in a capital case.<sup>32</sup>

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<sup>25</sup> *Id.* at 357.

<sup>26</sup> *LaValle*, 817 N.E.2d at 365.

<sup>27</sup> *Id.*

<sup>28</sup> 447 U.S. 625 (1980).

<sup>29</sup> *Id.* at 644.

<sup>30</sup> *Id.* at 642-643.

<sup>31</sup> *Id.* at 637.

<sup>32</sup> *Id.* at 638.

On the other hand, in the United States Supreme Court case, *Jones v. United States*,<sup>33</sup> the Court held that, “the Eighth Amendment does not require that the jury be instructed as to the consequences of their failure to agree.”<sup>34</sup> The *Jones* court explained that such an instruction has no bearing on the jury’s role in the sentencing process, but rather, offers a proposal for when deliberations do not result in unanimity.<sup>35</sup> Therefore, the Supreme Court in *Jones* refused to impose a “deadlock instruction,” finding that “the Eighth Amendment does not require that the jury be instructed as to the consequence of their failure to agree.”<sup>36</sup>

The New York Court of Appeals held that the instruction given in the *LaValle* case was unconstitutional under the state constitution’s Due Process Clause because the sentence resulted from the jury’s fear that if it did not vote for death, the defendant would be eligible for parole.<sup>37</sup> In *Morris v. Woodford*,<sup>38</sup> a similar instruction was given to the jury in a federal murder case. The court found that such a charge “would suggest to any holdout juror that if he or she did not join the majority of the other jurors, then Petitioner would be eligible for parole.”<sup>39</sup> Likewise, the *LaValle* court noted that jurors are more likely to compromise their beliefs in favor of death when they become aware of the possibility that

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<sup>33</sup> 527 U.S. 373 (1999).

<sup>34</sup> *Jones*, 527 U.S. at 381. See U.S. CONST. amend. VIII which states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

<sup>35</sup> *Jones*, 527 U.S. at 382.

<sup>36</sup> *LaValle*, 817 N.E.2d at 366.

<sup>37</sup> *Id.* at 364.

<sup>38</sup> 273 F.3d 826 (9th Cir. 2001).

defendant will be released back into society.<sup>40</sup> Such a decision, driven by fear or anxiety, is invalid.<sup>41</sup>

It has firmly been established in New York that a coerced verdict “ought not to be allowed to stand in any case, and least of all, in one involving a human life.”<sup>42</sup> Therefore, a deadlock instruction resulting in such a verdict should be struck down. In *People v. Aponte*,<sup>43</sup> the court held that a deadlock instruction which suggested that the jury was failing in their duty to return a verdict in a case involving the criminal sale of a controlled substance was “unbalanced and coercive.”<sup>44</sup> After the jury failed to come up with a unanimous decision for the second time, the judge stated, “We are no where near at the point where I would begin to consider the possibility that you folks might not be able to resolve this case. Continue your deliberations please.”<sup>45</sup> After this second instruction, the jury returned a verdict of guilty within five minutes.<sup>46</sup> Considering the jury had deliberated for two full days prior to this charge, the speed with which the jurors changed their minds supported a finding of coercion.<sup>47</sup> The court based its decision on the fact that the instruction over-emphasized the jury’s

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<sup>39</sup> *Id.* at 841.

<sup>40</sup> *LaValle*, 817 N.E.2d at 357 (citing Bowers & Steiner, *Death by Default: An Empirical Demonstration of False and Forced Choices in Capital Sentencing*, 77 TEX. L. REV. 605, 648 (Feb. 1999)).

<sup>41</sup> *Id.* at 365.

<sup>42</sup> *Id.* at 362 (citing *People v. Sheldon*, 50 N.E. 840, 846 (N.Y. 1898)).

<sup>43</sup> 810 N.E.2d 899 (N.Y. 2004).

<sup>44</sup> *Id.* at 901.

<sup>45</sup> *Id.* at 900.

<sup>46</sup> *Id.* at 902.

<sup>47</sup> *Id.*



obligation to come up with a decision, putting pressure on the jury and securing a verdict that was possibly tainted as a result.<sup>48</sup>

The purpose of the jury system is to secure unanimity among jurors who have had the opportunity to consider all the facts of a case, compare views, and reason their way to a decision.<sup>49</sup> Such a process is intended to ensure that defendants receive an uncoerced verdict, untainted by an improper jury instruction.<sup>50</sup> The *LaValle* court expressed that it would be a failure of this system if a person was sentenced to death due to legislative coercion, considering the seriousness and finality of such a punishment.<sup>51</sup> The Court of Appeals emphasized the severity of the death penalty by reasoning:

If all twelve jurors cannot reach an uncoerced unanimous conclusion that the death penalty is the appropriate sanction, the defendant must not be sentenced to death. Thus, if there is one lone juror who truly believes that the death sentence is not warranted, then a non-death sentence must be imposed.<sup>52</sup>

Additionally, the court determined that the absence of a deadlock instruction is equally unacceptable.<sup>53</sup> Without any instruction, jurors might still believe that “failure to reach a unanimous verdict would lead to defendant’s release, retrial or sentence to an even lesser term than the one currently prescribed in

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<sup>48</sup> *Aponte*, 810 N.E.2d at 901.

<sup>49</sup> *Id.* at 902.

<sup>50</sup> *Id.*

<sup>51</sup> *LaValle*, 817 N.E.2d at 364.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 365.

the deadlock scenario.”<sup>54</sup> The state constitution does not permit this type of reasoning and deduction. Due to the gravity of capital punishment, it is necessary to ensure that jurors make decisions based on their beliefs and knowledge of the circumstances of the individual case, and not unknown factors outside of their control.<sup>55</sup>

With this decision, New York joined eight other states that have determined that a deadlock instruction is necessary in a capital case.<sup>56</sup> The Court of Appeals agreed with *State v. Williams*,<sup>57</sup> which held that keeping jurors in the dark allows them to speculate about the outcome.<sup>58</sup> Such guesswork can sway a juror to vote with the majority rather than stick to his or her own convictions.<sup>59</sup> The court expressed that a procedure allowing a death sentence to be given under such unreliable circumstances is in clear violation of ones rights guaranteed by New York’s Due Process clause.<sup>60</sup>

In conclusion, although federal and state law have clearly established that coercive jury charges are unconstitutional, they differ in that the New York State Constitution requires a jury to be informed as to the consequences of a deadlock while there is no such requirement under the Federal Constitution. By overturning New York’s sentencing procedure, the New York Court of Appeals

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<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 366.

<sup>56</sup> *LaValle*, 817 N.E.2d at 367. The other states which require a deadlock instruction include Delaware, Louisiana, New Jersey, Idaho, Missouri, Pennsylvania, and Wyoming.

<sup>57</sup> 392 So. 2d 619 (La. 1980).

<sup>58</sup> *Id.* at 633.

<sup>59</sup> *LaValle*, 817 N.E.2d at 367.

prohibited the death penalty from being imposed until a new instruction is crafted by the Legislature.<sup>61</sup> In order to uphold the rights of its citizens in accordance with its Due Process Clause, New York stresses that a juror should not be intimidated or influenced to compromise his or her beliefs which can just as easily happen in the absence of a deadlock instruction as it can with a coerced version.

*Randi Schwartz*

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<sup>60</sup> *Id.* at 366.

<sup>61</sup> *Id.* at 367.