

Expanded Background summary
People v. Mendoza (Martin) (S067678)

The defendant in this case is appealing his death penalty conviction. Unlike most appeals, death penalty appeals go directly to the Supreme Court, bypassing the Court of Appeal. A death penalty trial is divided into a guilt phase and a penalty phase.

During the penalty phase, the jury must decide whether the defendant should be sentenced to life imprisonment without possibility of parole or to death. The jury arrives at that decision by weighing evidence of various aggravating and mitigating circumstances presented by the prosecutor and the defense attorney. The fact that defendant was convicted of killing three children in front of their parents is an example of an aggravating factor. Defendant's allegations that he was under duress at the time he committed the murders and has limited intellectual functioning are examples of mitigating factors.

During the trial, the District Attorney of San Bernardino County presented evidence of the details of the murder. Defendant's stepdaughter told her mother (defendant's wife) that defendant sexually molested her. His wife left him, taking their five children with her. When defendant called his wife to find out why she had left, she confronted him with the accusations. He denied abusing his daughter and tried to get his wife to return. When reconciliation ultimately failed, defendant drove to his wife's brother's house, where defendant's wife and children were staying. After arguing with his wife, his brother-in-law, and his wife's nephew, defendant pulled out a gun and forced four children to get into a car. Defendant, hearing the sirens of police officers responding to the scene, shot the children, killing three and wounding the fourth.

The prosecutor also presented testimony of members of the victims' family regarding the impact their death had on them. Defense counsel put on evidence of defendant's limited intellectual functioning and that the murder was an impulsive reaction to losing his family and to the stress of the situation. Defense counsel also presented testimony of members of defendant's family regarding defendant's good qualities and his difficult childhood.

Although defendant has raised numerous issues in his appeal, defense counsel has indicated in a letter to the court that she will be focusing on one issue at oral argument, the alleged violation of defendant's rights under the Vienna Convention on Consular Relations.

The Convention is an international treaty that sets forth the basic legal rights and duties of those countries that have agreed to be bound by the treaty, of

which the United States is one. When a foreign national, such as defendant in this case, is under arrest in a country that is a party to the Convention, Article 36 requires authorities to notify the detained national of his right to request assistance from the consular officials of his home country. The consular officials must be permitted to render various forms of assistance, including arranging for legal representation. Defendant is a Mexican national, but the parties concede he was not informed of his rights under the Convention.

On January 9, 2003, the Government of Mexico initiated proceedings in the International Court of Justice against the United States, alleging violations of the Convention in the cases of defendant and 53 other Mexican nationals who had been sentenced to death in state criminal proceedings in the United States. On March 31, 2004, the International Court issued its decision, concluding the United States had violated Article 36 and requiring United States courts to review and reconsider the convictions and sentences. On February 28, 2005, President George W. Bush issued a Memorandum to the United States Attorney General stating that the United States would comply with its obligations by having state courts “give effect” to the International Court’s decision.

Defendant contends that his rights under the Convention were violated, requiring the California Supreme Court to set aside his death sentence. The Attorney General argues that this court is not bound by the International Court’s decision. The Attorney General also argues that the law enforcement officers had no way of knowing defendant was a Mexican national and thus entitled to certain rights under the Convention. Finally, the Attorney General contends that even if defendant’s rights were violated, defendant has not established that he was prejudiced by the violation. For the violation to be prejudicial, it must be serious enough to make the court doubt that the jury would have come to the same result without the violation.