

Michelle D. Sprang's Second-Degree Murder Conviction Overturned By Arizona Appeals Court

Michelle D. Sprang was convicted in 2009 of second-degree murder in the death of 49-year-old Addie Mae Lee in a Tucson, Arizona motel room in October 2006.

During the 42-year-old Sprang's sentencing hearing Pima County Superior Court Judge Deborah Bernini stated that because she had doubts about Sprang's guilt, she was sentencing her to the minimum of ten years in prison. Commenting on the guilty verdict, Judge Bernini said, "I may have been more surprised than defense counsel at the ver-

Six Men cont. from page 7

dent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

Section 12(1) does away with the need for a *Miranda* warning because a person can only waive their right to remain silent "in writing and in the presence of counsel." In the U.S. a dispute about when and if a *Miranda* warning was given determines the admissibility of an alleged "confession." Also, in 2008 the Philippine Congress enacted the additional safeguard against false confessions of requiring that "All statements made by a person during a custodial interrogation shall be electronically recorded."

Sources:

Lejano vs. Philippines and *Philippines vs. Webb, et al.*, G.R. No. 176389 -- G.R. No. 176864. 12-14-2010.

Explanatory Note about False Confessions, Fourteenth Congress of the Republic of the Philippines, Third Regular Session, S.B. No. 3378, August 11, 2008.

dict." Sprang's attorney Eric Larsen told the court during that hearing that she was only the second client he had represented at trial who he was positive was innocent.

Sprang was arrested and charged with Lee's murder more than a year after her death. Sprang denied murdering Lee.

During Sprang's trial there was testimony that she was seen entering Lee's room at the motel in the afternoon. Sprang was later seen leaving the motel and she returned after a short period of short time. She left again after a few minutes and didn't return.

Hours after Sprang left another motel tenant heard the television on in Lee's room.

The television was off in Lee's room when her body was found the next morning wrapped in a comforter and stuffed under the bed.

The prosecution's case was based on the testimony of experts. There was expert testimony that Sprang's palmprint the size of a quarter was found on the top of the toilet lid the medical examiner testified could have been used to strike Lee on the head. There was expert testimony that minute traces of Sprang's DNA were found under several of Lee's fingernails. There was also expert testimony by the medical examiner that Lee could have been strangled by a ligature made of panties and string found in the motel room.

Attorney Larsen countered that there were innocent explanations for the evidence the prosecution relied on. Sprang didn't hold the toilet lid because her fingerprints and a large palmprint weren't on it, but the quarter-sized palmprint suggested she could have touched it when she was in the bathroom, such as while reaching for a towel; The small amount of Sprang's DNA found on Lee's fingernails could have been transferred when Lee used the same wet towel Sprang used, when Lee touched the bed linen where Sprang had lain, or when she touched Sprang's skin while engaging in sexual activities. There was no evidence Sprang made the ligature or that the panties partially used to make it were anything other than similar to ones she had.

Two witnesses testified they did not hear any yelling or sounds of a struggle coming from the motel room while Sprang was there.

Larsen argued to the jury it was physically impossible for Sprang to have murdered

Lee because Lee's television was heard hours after Sprang left. So the television was either turned off by Lee or by her murderer.

Sprang was charged with first-degree murder, and prior to close of the prosecution's case and without knowing what the evidence could prove, Judge Bernini stated she was going to give the jury a second-degree murder instruction. The jury acquitted Sprang of first-degree murder that requires premeditation, but convicted her of second-degree murder that doesn't.

Sprang appealed her conviction on the basis the judge erred by giving the jury the second-degree murder instruction that the prosecution didn't request and that Sprang objected to, because the evidence proved that Lee's murder was premeditated and thus she could only be convicted of first-degree murder.

Arizona's Court of Appeals reversed Sprang's conviction on February 14, 2011. The Court wrote in *State of Arizona v. Michelle D. Sprang*, CA-CR-2009-0172 (2-14-2011):

"Even viewing the evidence here in the light most favorable to upholding the conviction, it shows only premeditation. ... We conclude the trial court committed an error of law and, therefore, abused its discretion because no evidence warranted an instruction on second-degree murder. ... Because we conclude the trial court erred in instructing the jury on second-degree murder, we vacate Sprang's conviction and sentence."

Although the Court did not bar Sprang's retrial on second-degree murder, their ruling effectively should prevent a retrial because they ruled the evidence related to Lee's murder only supports a conviction for first-degree murder. Sprang's acquittal of that charge bars her retrial because it would be double jeopardy.

Sprang currently remains imprisoned and the State will likely appeal the overturning of her conviction to the Arizona Supreme Court.

Sources:

State of Arizona v. Michelle D. Sprang, CA-CR-2009-0172 (2-14-2011).

Appeals court overturns Tucson woman's murder conviction, Arizona Daily Star, Feb 15, 2011.