

12-609 KANSAS V. CHEEVER

DECISION BELOW: 284 P.3d 1007

LOWER COURT CASE NUMBER: 99,988

QUESTION PRESENTED:

1. When a criminal defendant affirmatively introduces expert testimony that he lacked the requisite mental state to commit capital murder of a law enforcement officer due to the alleged temporary and long-term effects of the defendant's methamphetamine use, does the State violate the defendant's Fifth Amendment privilege against self-incrimination by rebutting the defendant's mental state defense with evidence from a court-ordered mental evaluation of the defendant?
2. When a criminal defendant testifies in his own defense, does the State violate the Fifth Amendment by impeaching such testimony with evidence from a court-ordered mental evaluation of the defendant?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 2/25/2013