

Appeals court upholds Smiraglia murder conviction

Contributed by Elizabeth Larson
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LAKE COUNTY ‐ An appeals court on Wednesday upheld the 2006 conviction of a Nevada man found guilty of the 2002 murder of an Upper Lake woman.

The three justices of the First Appellate Court ruled unanimously to uphold the verdict against Paul James Smiraglia, 48, who was convicted in the summer of 2006 of the July 2002 murder of 43-year-old Diedre Coleman, his ex-girlfriend.

Smiraglia, who was involved in cooking and selling methamphetamine in Clearlake, brutally murdered Coleman following an argument by injecting hydrochloric acid in her ear and then beating her to death with a hammer.

A few days later he dumped Coleman's body along Cache Creek off of Highway 20. A witness to the murder, Sharmon Hawley, directed police to Coleman's body in July of 2003.

Following a month-long trial and two hours of deliberation, a jury convicted Smiraglia of Coleman's murder on June 29, 2006.

On Nov. 6, 2006, Judge Arthur Mann sentenced Smiraglia to life in prison. Smiraglia filed his appeal three days later.

Richard Hinchcliff, before he took on the role as chief deputy district attorney, prosecuted the Smiraglia case, which took four years to get to trial.

Hinchcliff is out of the office this week and could not be reached for comment. District Attorney Jon Hopkins also is away this week.

Coleman's family declined comment for this story.

In his appeal, Smiraglia contended that the trial court erred in permitting an ex-girlfriend to testify about his previous domestic violence against her “as proof of the mental state required for murder.” His attorney, with the First District Appellate Project, also argued that the court erred in its instructions to the jury about that testimony.

Smiraglia's appeal claimed that his Sixth Amendment right to effective assistance of counsel and Fourteenth Amendment right to due process were violated because his trial defense counsel failed to seek a jury instruction on intoxication, according to the 19-page decision.

His final argument in the appeal was that the trial court violated his right to due process under the Fifth and Fourteenth Amendments by directing the jury's attention to specific evidence, specifically, that he had allegedly concealed physical evidence related to Coleman's murder, and tried to solicit a fellow convict in Nevada State Prison into killing Hawley to prevent her from testifying.

The justices concurred that Smiraglia's case was without merit and upheld the life sentence Mann handed down two years ago.

E-mail Elizabeth Larson at elaron@lakeconews.com.

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