No. 22-982

In The Supreme Court of the United States

RYAN THORNELL,

Petitioner,

v.

DANNY LEE JONES,

Respondent.

On Writ Of Certiorari To The Arizona Supreme Court

AMICUS CURIAE BRIEF OF THE ARIZONA CAPITAL REPRESENTATION PROJECT IN SUPPORT OF RESPONDENT

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INTEREST OF *AMICUS CURIAE*[1]

The Arizona Capital Representation Project ("ACRP") is a non-profit legal services organization that assists indigent persons facing the death penalty in Arizona through direct representation, *pro bono* training and consulting services, and education. ACRP tracks and monitors all capital prosecutions in Arizona.

Amicus has a particularized and informed perspective on the operation of the death penalty in the United States and in the state of Arizona during the relevant time period. ACRP has, since its incorporation in 1988, tracked and collected data on all capital proceedings in the state.

INTRODUCTION AND SUMMARY OF ARGUMENT

For nearly three decades, from when Arizona reinstated the death penalty in 1973 until 2002, when the state drastically revised its sentencing procedures, the law required the Arizona Supreme Court to independently review every death sentence imposed to determine, *de novo*, whether death was the appropriate sentence. A.R.S. § 13-755. The court viewed its

[1] Pursuant to Rule 37.6, counsel for *amicus curiae* states that no counsel for any party authored this brief in whole or in part and that no person or entity other than *amicus curiae* or their counsel made a monetary contribution to the preparation or submission of this brief.

obligation under the statute as a "constitutional safeguard[]" against the "arbitrary and capricious" use of the death penalty. *State v. Brewer*, 826 P.2d 783, 790 (Ariz. 1992). When presented with evidence of childhood trauma, mental illness, and brain damage, the Arizona Supreme Court frequently reduced a capital defendant's sentence to life. Since the legislative abolition of capital independent review, Arizona juries have often reacted similarly to the same evidence by deadlocking on penalty or imposing a life sentence.

Petitioner has challenged the Ninth Circuit's grant of writ of habeas corpus in Mr. Jones's case, arguing the court wrongly ruled in Mr. Jones's favor on the prejudice prong of his *Strickland v. Washington*, 466 U.S. 668 (1984) claim. Petitioner depicts the aggravation as exceptionally strong and the mitigation as exceptionally weak. Therefore, Petitioner argues that, even if Mr. Jones's trial counsel developed and presented the available mitigation, there is not a reasonable probability the outcome would have been different. Pet'r Merits Br. at 32.

In federal habeas proceedings, Mr. Jones presented evidence that he suffered extreme abuse throughout his childhood, including "life-threatening family violence," and sexual abuse at the hands of multiple family members; a history of substance abuse beginning in childhood, including being forcibly fed alcohol so that that he was easier to abuse; PTSD arising from his own victimization as well as witnessing domestic violence; a history of serious head injuries, including one where he was "found lying unconscious in a ditch along the

highway"; and cognitive dysfunction caused by his traumatic history. *Jones v. Ryan*, 52 F.4th 1104, 1124–26 (9th Cir. 2022). Had this evidence been presented at Mr. Jones's capital sentencing hearing and had he still been sentenced to death, the evidence is exactly the kind that the Arizona Supreme Court would have considered compelling in its independent review of the sentence. And, had Mr. Jones had the opportunity to present this mitigation to a jury, rather than a judge, there is an even greater likelihood that a life sentence would have been imposed.

ARGUMENT

I. The Arizona Supreme Court Has Historically Given Significant Mitigating Weight to Evidence of Brain Damage and Mental Illness

For offenses committed before August 1, 2002, the Arizona Supreme Court was required to independently review not only if a capital sentence was legally correct, but if it was appropriate. *State v. Roseberry*, 353 P.3d 847, 849 (Ariz. 2015); A.R.S. § 13-755; 2002 Ariz. Sess. Laws 2092, 2099, 5th Spec. Sess., ch. 1, § 7.B (noting A.R.S. § 13-703.04 (now A.R.S. § 13-755) applies to offenses committed before August 1, 2002). Recognizing the severity and finality of a death sentence, the court's independent review tilted firmly in favor of life. *E.g.*, *State v. Valencia*, 645 P.2d 239, 241 (Ariz. 1982) ("Where there is a doubt whether the death sentence

should be imposed, we will resolve that doubt in favor of a life sentence.").

Accordingly, the court's independent review required that it "painstakingly examine the record to determine whether [the death penalty] has been erroneously imposed." *State v. Richmond*, 560 P.2d 41, 51 (Ariz. 1976) (citation omitted). The court viewed independent review as necessary to protect a capital defendant's constitutional rights that "prohibit all sentencing procedures creating a substantial risk that the death penalty is inflicted in an arbitrary and capricious manner." *State v. Brewer*, 826 P.2d at 790 (citing *Gregg v. Georgia*, 428 U.S. 153, 188 (1976)).

Independent review includes a determination of whether a death sentence was imposed due to "passion, prejudice or any other arbitrary factor," *State v. Woratzeck*, 657 P.2d 865, 871 (Ariz. 1982); whether the death penalty is "disproportionate to other death penalty cases," *id*.; and whether the case under review is "truly exceptional . . . setting the defendant apart from others guilty of first degree murder and making death the appropriate sanction." *State v. Bible*, 858 P.2d 1152, 1209 (Ariz. 1993) (citations omitted).

The mitigation Mr. Jones offered in support of his ineffective assistance of counsel ("IAC") claim is precisely the sort of mitigation that the Arizona Supreme Court regularly relied on to reduce a death sentence to life pursuant to the court's duty of independent review. Mr. Jones's evidence includes that he suffers from: organic brain damage, polysubstance abuse,

Post-Traumatic Stress Disorder ("PTSD"), bipolar disorder, a history of head injuries including a traumatic birth, and a history of childhood abuse, including sexual abuse perpetrated by a family member. This was true even where the defendant did not prove any statutory mitigating factors or a causal connection between the mitigation and the offense.

For example, in *State v. Bocharski*, 189 P.3d 403 (Ariz. 2008), although the defendant did not prove any statutory mitigator, the Arizona Supreme Court, on independent review, reduced the death sentence to life. The court recognized the "substantial" nature of Bocharski's social history evidence, including evidence that he suffered "severe neglect, as well as almost unimaginable mental, physical, sexual, and emotional abuse throughout his childhood." *Id*. at 425 ¶ 109. The court was particularly persuaded by evidence that, because of Bocharski's trauma history, "a person in [Bocharksi's emotional and alcoholic] state would have been far less able than others to control and manage his feelings and reactions." *Id*. at 426 ¶ 110.

Mr. Jones's traumatic childhood had a similar effect on him and his behavior at the time of the crime. Mr. Jones offered the testimony of Dr. Stewart in federal habeas proceedings that he developed PTSD as a result of "a near fatal birth" and "verbal, psychological, physical and sexual abuse at the hands of his first step-father, second step-father, grandfather and to some extent his mother." JA113 at ¶ 69. Dr. Stewart continued, "[a]n abused child is left with physical and emotional scars and changes in brain physiology, which remain

long after the abuse, or the threat of abuse ceases." *Id*. This trauma history, along with Mr. Jones's "psychiatric disorders and biological factors/risks have been significantly interrelated his entire life. This physical and psychiatric history cannot be separated from the actions that have placed Danny on death row." JA114 at ¶ 72. Just as Bocharski's trauma history and emotional state impair his ability to "control" his behavior at the time of the crime, Mr. Jones presented evidence that he suffered "general impulse control problems" and his "cognitive and emotional functioning have been compromised by cumulative brain injury rendering Danny susceptible to impulsive behavior." JA115 at ¶ 76.

The Arizona Supreme Court has also found, in a number of cases, that a defendant's evidence of trauma, mental health struggles, and brain damage are sufficiently substantial to call for leniency, even in the face of weighty aggravation. "Our sentencing statute does not require the mitigating factors to 'outnumber' the aggravating factors to avoid a death sentence." *State v. Stuard*, 863 P.2d 881, 902 (Ariz. 1993) (citing A.R.S. § 13-703(E)). A single mitigator "may be 'sufficiently substantial' to outweigh two aggravating circumstances." *State v. Brookover*, 601 P.2d 1322, 1326 (Ariz. 1979). In *Stuard*, the defendant was convicted of three counts of first-degree murder relating to a series of attacks on elderly women. On independent review, the Arizona Supreme Court found the aggravators of prior conviction of another serious offense, A.R.S. § 13-703(F)(1), and especially cruel, heinous, or depraved,

A.R.S. § 13-703(F)(6). 863 P.2d at 896–97. The aggravation in the case was substantial, with the court finding "the victims must have suffered terrible pain during the beatings and stabbings." *Id*. at 897; *see also id*. at 905 (Martone, J., dissenting) ("The frail, elderly victims endured torturous deaths. They were choked, stabbed, and beaten to death by a former boxer."). Although the crime was highly aggravated, the Arizona Supreme Court found leniency was "required" because of substantial mitigation. *Id*. at 902. Like Mr. Jones, the defendant in *Stuard* suffered organic brain damage, which "*may have contributed significantly to [Defendant's] acting-out of violent impulses*." 863 P.2d at 898 (emphasis and alteration in original). Although the crime was highly aggravated and the court expressed concern over Stuard's continued danger to others, the court found Stuard's brain damage *highly* mitigating. *Id*. at 902 ("[W]e must hold the death penalty inappropriate here where Defendant's organically-caused mental illness was such a significant causative factor." *Id*. (citing *State v. Bible*, 858 P.2d 1152 (Ariz. 1993)).

Similarly, in *State v. Trostle*, 951 P.2d 869, 887–88 (Ariz. 1997), decided just a year after Mr. Jones's case, the Arizona Supreme Court concluded on independent review that the defendant's polysubstance abuse disorder, personality disorders, and long-term psychological damage resulting from childhood sexual and physical abuse required them to vacate the death sentence. There were multiple aggravators in the *Trostle* case, including that the crime was committed in expectation

of pecuniary gain, was especially cruel, heinous, or depraved, and that the victim "suffered unimaginable terror." *Id*. at 888. Nevertheless, the defendant's "substantial mitigation evidence" kindled doubt about the sentence that should be imposed, requiring the court to reduce the death sentence to life. *Id*. The court relied heavily on Trostle's causally connected mitigation, which was based on facts very similar to those presented in Mr. Jones's case. *Compare Trostle*, 951 P.2d at 885 (citation omitted) (finding the defendant "tends to respond impulsively and without reflection, especially in situations of considerable stress. . . . Ultimately, he was unable to prevent the criminal actions or from escaping the situation . . . " and lay evidence of the defendant's immaturity), *with* JA127 at ¶ 118 ("The circumstances surrounding Mr. Weaver's death are a direct consequence of Danny's abused and unfortunate past."). Indeed, the court spent considerable time describing Trostle's long history of "*chronic mental illness*" and "sexual and physical abuse experienced in his childhood," without "any stabilizing factors in his family life." 951 P.2d at 884–85.

The State tries to distance this case from the others by pointing to the district court's finding that an Arizona trial court would have assigned minimal weight to Mr. Jones's mental health mitigation evidence because it did not bear a causal relationship to his behavior. Pet'r Merits Br. at 32. But a thorough examination of the Arizona Supreme Court's independent review over time shows that Mr. Jones's mitigation is the kind that moves the court toward life, whether

or not deemed "causally connected." Altogether, the Arizona Supreme Court reduced a death sentence to life on independent review 14 times between 1977 and 2008 where it found evidence of mental illness, a history of substance abuse, and/or brain damage in the record. Over this period, the Arizona Supreme Court frequently reduced death sentences to life based on both statutory and non-statutory mitigators, and without regard to whether they were causally connected to the crime.[2]

- *State v. Bocharski*, 189 P.3d 403 (Ariz. 2008) (evidence of the defendant's severe abuse, including emotional, physical, and sexual abuse in childhood, did not satisfy the standard for statutory mitigation, but as non-statutory mitigation still warranted reduction to a life sentence);
- *State v. Roque*, 141 P.3d 368 (Ariz. 2006) (the defendant's low IQ and mental condition related to the terrorist attacks on September 11,

[2] For approximately 15 years, the Arizona Supreme Court followed an unconstitutional causal nexus test that prohibited as a matter of law giving weight to mitigating, like family background or mental condition, unless it was causally connected to the crime. *State v. Wallace*, 773 P.2d 983, 986 (Ariz. 1989) (establishing the causal nexus test); *McKinney v. Ryan*, 813 F.3d 798, 802–03 (9th Cir. 2015) (holding causal nexus test was a clear violation of *Eddings v. Oklahoma*, 455 U.S. 104 (1982)). After this Court forcefully restated its *Eddings* holding in *Tennard v. Dretke*, 542 U.S. 274 (2004), the court began stating the correct rule. *McKinney*, 813 F.3d at 817; *see*, *e.g.*, *State v. Anderson*, 111 P.3d 369, 392 (Ariz. 2005) (stating correct rule under *Eddings*).

2001, were sufficiently substantial to call for leniency);

- *State v. Carlson*, 48 P.3d 1180 (Ariz. 2002) (a combination of the defendant's evidence of duress, brain damage, and sentencing disparity called for a life sentence, even though the court concluded that the defendant's brain damage was only somewhat causally connected with the offense);
- *State v. Trostle*, 951 P.2d 869 (Ariz. 1997) (reduction to life sentence where mental impairment from, *inter alia*, a history of childhood abuse, sexual abuse, polysubstance abuse, and psychological immaturity was entitled to serious consideration irrespective of whether it was statutory or non-statutory mitigation, despite multiple aggravators, including that the crime was especially cruel, heinous and depraved);
- *State v. Rogovich*, 932 P.2d 794 (Ariz. 1997) (trial court's imposition of three death sentences and one life sentence affirmed where, as to the life sentence, there was no statutory mitigation, but the trial court found non-statutory mitigating factors, including a dysfunctional home life, though there was no contention it was causally connected to the crime);
- *State v. Richmond*, 886 P.2d 1329 (Ariz. 1994) (reduction from death sentence to life sentence was appropriate in light of evidence of the defendant's changed character since the crime, and defendant presented evidence of

significant psychological disability and possible impairment by drugs, even though defendant offered no proof of a causal nexus with the crime);

- *State v. Stuard*, 863 P.2d 881, 897 (Ariz. 1993) (multiple aggravators, including that the crime was especially cruel, heinous and depraved—"the victims must have suffered terrible pain"—were outweighed by evidence of the defendant's mental impairments, including organic brain damage and dementia, which contributed to the crime);
- *State v. Herrera*, 850 P.2d 100 (Ariz. 1993) (death sentence reduced to life where crime was especially cruel, heinous and depraved, defendant proved statutory mitigating factors of age and duress, and presented evidence of non-statutory mitigation, including intoxication, low intelligence, and an abusive childhood, even though the court did not find a causal nexus between defendant's abusive childhood and the crime);
- *State v. Fierro*, 804 P.2d 72 (Ariz. 1990) (death sentence reduced to life despite two aggravators where the defendant could not prove statutory mitigation, but his intoxication at the time of the offense and history of mental illness were independently mitigating, and defendant presented evidence of suicide attempts, hallucinations, and the victim's actions);
- *State v. Jimenez*, 799 P.2d 785 (Ariz. 1990) (death sentence reduced to life where the

court found statutory mitigating factors of the defendant's young age and mental impairment (schizophrenia) were sufficient to overcome multiple aggravators, including that the crime was especially heinous and depraved and the victim was a child);

- *State v. Mauro*, 766 P.2d 59 (Ariz. 1988) (the defendant's bipolar disorder was sufficiently substantial to call for leniency, despite the existence of multiple aggravators, including that the crime was especially cruel, heinous and depraved);
- *State v. Graham*, 660 P.2d 460, 464 (Ariz. 1983) (reduction to life sentence where the court found the statutory mitigating factor of mental health impairment, coupled with a long history of drug abuse and that defendant was a "passive individual who is easily influenced by others," though the court did not decide whether the non-statutory mitigating factors were causally connected with the crime);
- *State v. Brookover*, 601 P.2d 1322, 1325–26 (Ariz. 1979) (a post-traumatic "neurological lesion," caused by a car accident was a "major and contributing cause of [the defendant's] conduct" and sufficiently substantial to call for leniency);
- *State v. Doss*, 568 P.2d 1054, 1061 (Ariz. 1977) (death sentence vacated, finding the defendant's unspecified "mental condition was a substantial factor in causing the death of the victim").

The mitigation Mr. Jones presented is indistinguishable from evidence the Arizona Supreme Court has regularly relied on to reduce death sentences to life, except when it is even more compelling. There is more than a reasonable probability that it would have changed the outcome both at sentencing and on the Arizona Supreme Court's independent review.

II. Arizona Juries Regularly Find Mental Health Evidence Sufficiently Substantial to Call for Leniency

Although Mr. Jones was sentenced to death by a judge, Arizona now has capital jury sentencing. Juries have proven to be even more likely than the Arizona Supreme Court to impose a life sentence where the defendant offers evidence of trauma, mental illness, and/or brain damage.

Petitioner argues that the mitigation Mr. Jones developed in federal habeas proceedings was entitled to little weight because it is not causally connected to the crime. Pet'r Merits Br. at 12, 24, 34, 35. However, research[3] into jury decision-making has demonstrated

[3] The bulk of this research was performed by the Capital Jury Project (CJP). The CJP is a long-term research project that began in 1991 with support from the National Science Foundation. The CJP has interviewed more than 1300 jurors from hundreds of capital cases. William J. Bowers, *The Capital Jury Project: Rationale, Design, and Preview of Early Findings*, 70 IND. L.J. 1043 (1995); William J. Bowers, et al., *The Life or Death Sentencing Decision: It's at Odds with Constitutional Standards; Is it Beyond Human Ability?*, *in* AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT: REFLECTIONS ON THE PAST, PRESENT AND FUTURE

that jurors are persuaded to vote for life because of mitigation that includes dysfunctional and traumatic childhoods and mental illness.

> [M]itigating evidence such as the defendant was suffering severe delusions and hallucinations[,] . . . had engaged in drug use at the time of the murder[,] . . . was diagnosed as borderline mentally retarded and placed in special services classrooms throughout his education[,] . . . [and] was severely physically and verbally abused by his parents during childhood [] yielded a proportion of life sentences statistically greater than would be expected had no mitigating evidence been presented.

Michelle Barnett, et al., *When Mitigation Evidence Makes A Difference: Effects Of Psychological Mitigating Evidence On Capital Decisions In Capital Trials*, 22 BEHAVIORAL SCIENCES AND THE LAW 751, 762 (2004).

The CJP found that a majority of jurors would be less likely to vote for death if the defendant has a history of mental illness, or if the defendant was intellectually disabled. *See* Stephen P. Garvey, *Aggravation and Mitigation in Capital Cases: What Do Jurors Think?* 98 COLUM. L. REV. 1538, 1559, 1565 (1998). It also tells us that nearly half of all jurors are less likely to vote for death if the defendant had spent time in institutions but had not received "any 'real help or treatment.'" *Id.* at 1565. More than a quarter of jurors are

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OF THE ULTIMATE PENAL SANCTION 430 (James R. Acker, et al. eds., 3d ed. 2014).

less likely to vote for death if the defendant had been seriously abused as a child or would be a well-behaved inmate. *Id.* at 1559. Further, some jurors are less likely to vote for death if the defendant was an alcoholic or drug addict, had no previous criminal record, had a loving family, or had a background of extreme poverty. *Id.*

CJP research also shows that the testimony of a defense psychologist or psychiatrist "significantly influenced" jurors' perception of a defendant's "mitigating mental abnormality." John H. Montgomery, J. Richard Ciccone, Stephen P. Garvey, and Theodore Eisenberg, *Expert Testimony in Capital Sentencing: Juror Responses*, 33 J. AM. ACAD. PSYCHIATRY LAW 509, 517 (2005). Jurors recognize that psychiatrists and psychologists "through years of training and experience, are experts in the clinical detection of mental disorders." *Id*.

Beyond the decades of research, an examination of the life verdicts imposed by Arizona juries demonstrates conclusively that jurors find that a defendant's background and upbringing, and particularly a history of trauma, are sufficiently substantial to call for leniency. This is so whether or not the mitigation is explicitly causally connected to the crime.

Since 2015, there have been 35 capital trials and sentencing hearings in Arizona.[4] In 16 cases—45% of the time, the jury imposed death. In 19 cases—54% of the time, the jury imposed life or hung at the eligibility

[4] *See* Appendix Table A.

or penalty phase.[5] In the 17 cases where the jury rejected a death sentence, the defendant presented evidence of mental illness, brain damage, and/or evidence of trauma, including a history of childhood abuse and a diagnosis of PTSD. The data demonstrates that Arizona jurors, like the many jurors interviewed in CJP research, are persuaded to vote for life when the defendant presents trauma and mental health evidence. This is true even in the most aggravated cases. *See* Russell Stetler, et al., *Mitigation Works: Empirical Evidence of Highly Aggravated Cases Where the Death Penalty was Rejected at Sentencing*, 51 HOFSTRA L. REV. 89, 134–49 (2022) (reviewing hundreds of highly aggravated cases, including 18 Arizona state cases, where a jury rejected a death verdict, including those with child victims, police officer victims, and multiple victims, which are the facts most likely to result in a death).

In short, when Arizona capital defendants present evidence of trauma and mental illness, regardless of a causal connection to the crime, jurors are more often than not persuaded to reject a death sentence. Independent research and hundreds of real-world examples, including many from Arizona, confirm this conclusion. If an Arizona jury had heard the powerful mitigating evidence that Mr. Jones presented in his

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[5] In Arizona, a hung jury at the penalty phase does not automatically result in the imposition of a life sentence. Unlike most jurisdictions, state law allows the prosecution to proceed to a second penalty phase in front of a new jury. If there is a second hung jury, a life sentence will be imposed. A.R.S. § 13-752(K).

federal habeas proceedings—organic brain damage, polysubstance abuse, PTSD, bipolar disorder, head injuries, a history of childhood abuse, and sexual abuse by a family member—there is more than a reasonable probability that it would have rejected the death sentence.

CONCLUSION

This Court should affirm the decision of the Court of Appeals for the Ninth Circuit reversing and remanding to the district court with instructions to issue the writ of habeas corpus.

Respectfully submitted,

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Table A

Verdict Date	Case Name	Case Number	County	Verdict	Notes
6/7/2023	*State v. Miller*	CR2015-102066	Maricopa	Death (judge sentencing)	
4/18/2023	*State v. Rushing*	CR2010-007882	Maricopa	Death	Defendant waived presentation of mitigation
2/15/2023	*State v. Maugoatega*	CR2010-01172	Pinal	Hung at penalty	
8/1/2023	*State v. Salazar*	CR2015-02140	Pinal	Death	
4/12/2022	*State v. Montoya*	CR2017-006253	Maricopa	Death	Defendant plead guilty to the indictment and to the aggravators, waived mitigation
1/9/2020	*State v. McCauley*	CR2014-155906	Maricopa	Death	
9/25/2019	*State v. Mesa*	CR2015-001779	Maricopa	Jury hung at *Enmund/Tison* eligibility	
5/7/2019	*State v Redondo*	CR2010-106178	Maricopa	Life	
3/29/2019	*State v. Ricci*	CR2011-005961	Maricopa	Life	
6/13/2019	*State v. Noonkester*	CR2011-138281	Maricopa	Jury hung at penalty for 2nd time	
4/3/2019	*State v. Thompson*	CR2012-00355	Yavapai	Death	
4/30/2018	*State v. Busso-Estopellan*	CR2011-133622	Maricopa	Jury hung at penalty	
5/14/2018	*State v. Robinson*	CR2012-138236	Maricopa	Death	
5/29/2018	*State v. Smith*	CR2015-106788	Maricopa	Death	
10/3/2018	*State v. Eggers*	CR2012-01293	Pinal	Jury hung at penalty for 2nd time	

3/1/2018	*State v. Eggers*	CR2012-01293	Pinal	Jury hung at penalty	
11/16/2017	*State v. John Allen*	CR2011-138856	Maricopa	Death	
8/7/2017	*State v. Sammantha Allen*	CR2011-138856	Maricopa	Death	
9/6/2017	*State v. Champagne*	CR2013-000177	Maricopa	Death	
4/18/2017	*State v. Noonkester*	CR2011-138281	Maricopa	Jury hung at penalty	
9/6/2017	*State v. Buckman*	CR2012-007044	Maricopa	Jury hung at penalty	
5/5/2017	*State v. Strong*	CR2014-00685	Yuma	Death	
10/11/2016	*State v. Villalobos*	CR2004-005523	Maricopa	Life	
12/19/2016	*State v. Coleman*	CR2012-008340	Maricopa	Life	
2/24/2016	*State v. Edwards*	CR2012-007044	Maricopa	Life (jury acquitted at *Enmund/Tison* eligibility)	
6/29/2016	*State v. Johnson*	CR2010-048824	Maricopa	Death	
11/10/2016	*State v. Levis*	CR2013-002559	Maricopa	Life	
5/5/2016	*State v. Lopez*	CR2011-007597	Maricopa	Life	
1/30/2015	*State v. Hidalgo*	CR2011-005473	Maricopa	Death	
11/6/2015	*State v. Licon*	CR2011-100207	Maricopa	Life	
11/17/2015	*State v. Riley*	CR2013-002559	Maricopa	Death	Defendant waived presentation of mitigation
7/23/2015	*State v. Rushing*	CR2010-007882	Maricopa	Death	
3/5/2015	*State v. Arias*	CR2008-031021	Maricopa	Hung at penalty for 2nd time	
11/18/2015	*State v. Martinez*	CR2011-005528	Maricopa	Life on one count, hung on penalty for second count	
11/19/2015	*State v. Lambright*	CR-05669	Pima	Jury hung at penalty	