



ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY



JESUS BUSSO-ESTOPELLAN v. HON. MROZ /STATE
CV-15-0102-PR

PARTIES:

Petitioner: Jesus Busso-Estopellan

Real Party in Interest: State of Arizona

FACTS:

After the State indicted Jesus Busso-Estopellan for first-degree murder and misconduct involving weapons against two victims, the State filed its notice of intent to seek the death penalty.

Through defense counsel, Busso-Estopellan sent a letter to a judge on the Maricopa County Superior Court in which the defense described the basic facts of the crime, explained the defendant's family dynamics, set forth the defendant's willingness to accept a plea offer of natural life imprisonment, and expressed remorse to the victims' families.

Later, the defense filed a motion in the trial court for permission to "introduce evidence of his offer to plead guilty to a natural life sentence at any penalty phase of his trial." The trial court denied the motion, ruling that the State's subsequent rejection of the defendant's proposed plea offer "is not relevant because it is not related to any aspect of the defendant's character, propensities or record, or the circumstances of the offense." The trial court also agreed with the State's opposition to the motion in that "the Defendant's bare offer to plead guilty in exchange for a natural life sentence is his desire to avoid the consequences of the death penalty rather than a true acceptance of responsibility for his actions, or remorse."

The trial court subsequently denied Busso-Estopellan's motion for reconsideration, clarifying that the trial court "does not find that this type of conditional offer constitutes either an acceptance of responsibility or remorse but rather indicates a desire to avoid the ultimate penalty of death." The court of appeals declined to review the matter.

ISSUE:

Did the trial court abuse its discretion in ruling that the defendant's conditional offer to plead guilty and expression of willingness to accept life-imprisonment did not constitute relevant mitigating evidence for a jury to eventually consider?

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