



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE V. DARREL PETER PANDELI
CR-06-0143-AP**

PARTIES AND COUNSEL:

Appellant: Darrel Peter Pandeli is represented by Kerrie M. Droban, Droban & Company, PC

Appellee: The State of Arizona is represented by Terry Goddard, Attorney General, Kent E. Cattani, Chief Counsel, and Lacey Stover Gard, Assistant Attorney General, Capital Litigation Section, Arizona Attorney General's Office

FACTS:

On the morning of September 24, 1993, Holly Iler's nude body was found in an alley in central Phoenix. She had been beaten, her throat had been slashed, and her nipples had been excised after her death. Darrel Pandeli was convicted of the murder in 1997, and was subsequently sentenced to death.

On appeal, this Court affirmed his death sentence. *State v. Pandeli (Pandeli I)*, 200 Ariz. 365, 26 P.3d 1136 (2001). In 2002, however, the United States Supreme Court remanded the case to this Court for further consideration in light of *Ring v. Arizona*, 536 U.S. 584 (2002) (*Ring II*). *Pandeli v. Arizona (Pandeli II)*, 536 U.S. 953 (2002) (mem.). This Court subsequently vacated Pandeli's death sentence and remanded for a new sentencing hearing before a jury. *State v. Pandeli (Pandeli III)*, 204 Ariz. 569, 65 P.3d 950 (2003) (supp. op.).

The jury sentencing in this case commenced in February, 2006. The jury found the existence of two aggravating circumstances: Pandeli had previously been convicted of the murder of Teresa Humphreys, a serious offense, in violation of A.R.S. § 13-703(F)(2), and he murdered Holly Iler in an especially heinous and depraved manner, in violation of A.R.S. § 13-703(F)(6). After finding that the mitigation presented by Pandeli was not sufficiently substantial to call for leniency, the jury determined that the death penalty should be imposed. On April 20, 2006, the trial court sentenced Pandeli to death by lethal injection. This automatic appeal followed.

ISSUES:

Pandeli raises nine issues on appeal. In addition to these issues, A.R.S. § 13-703.04 requires the Supreme Court to independently review the aggravating and mitigating circumstances and the propriety of the death sentence.

The appellate issues are as follows:

1. Did the trial court commit fundamental error by failing to rule on the admissibility of the underlying facts of the Humphreys murder before voir dire?
2. Did the trial court improperly allow the State to introduce the underlying facts of the Humphreys murder to prove the A.R.S. § 13-703(F)(2) aggravating circumstance?
3. Did the trial court abuse its discretion by admitting in the aggravation phase photographs of Holly Iler's body, photographs of a Confederate flag, or a photograph of Pandeli that showed his tattoos?
4. Is the A.R.S. § 13-703(F)(6) aggravating circumstance unconstitutionally vague and overbroad?
5. Did the trial court abuse its discretion by allowing the State to argue in the penalty phase that Pandeli knew right from wrong?
6. Did the trial court err when it allowed the State to introduce evidence of Pandeli's prior bad acts, the underlying facts of the Humphrey's murder, testimony by Reyna Humphreys, or a book titled "Battered Relationships" during the penalty phase?
7. Did the trial court abuse its discretion by allowing the State to argue that Pandeli failed to establish a "causal nexus" between his mitigation and the crime?
8. Did the penalty-phase jury instructions create an unconstitutional presumption of death?
9. Is the portion of Arizona's death penalty statute that was struck down in *Ring II* severable from the remainder of the statute?

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