



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. CODY JAMES MARTINEZ
CR-05-0507-AP**

PARTIES AND COUNSEL:

Appellant: Cody James Martinez is represented by S. Jonathan Young of Tucson.

Respondent: The State of Arizona is represented by Kent Cattani, Chief Counsel, and Lacey Stover Gard, Assistant Attorney General, of the Arizona Attorney General's Capital Litigation Section.

FACTS:

On June 12, 2003, Tucson firefighters discovered Francisco Aguilar's body in a pile of flaming debris in the desert near the Tucson International Airport. Martinez, who had been a passenger in an SUV stopped by police near the fire, was indicted for Aguilar's slaying. A Pima County jury later convicted Martinez of first degree premeditated murder, felony murder, and kidnapping arising from Aguilar's death. A.R.S. § 13-1105(A); A.R.S. § 13-1304(A)(3).

The jury found that the crime of first degree murder was aggravated because it was committed in the expectation of pecuniary gain and in an especially heinous, cruel or depraved manner. A.R.S. § 13-703(F)(5)-(6). Finally, the jury concluded that Martinez had not shown mitigating evidence sufficiently substantial to warrant leniency and thus sentenced him to death. The trial court additionally sentenced him to a consecutive, aggravated twenty-year sentence for kidnapping.

ISSUES:

Martinez now appeals his convictions and sentences before this Court. In his Opening Brief, Martinez raises twenty-five issues, along with an additional seventeen issues to avoid preclusion. Martinez's claims cover all phases of the trial and include claims of prosecutorial misconduct.

The State filed no cross appeal.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.