



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. JAMES GRANVIL WALLACE
CR-05-0149-AP**

PARTIES AND COUNSEL:

Appellant: James Granvil Wallace is represented by Jennifer Bedier of the Capital Representation Project and Carla Ryan.

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

FACTS:

On January 31, 1984, Wallace and his girlfriend Susan Insalaco fought about Wallace's drinking and drug use, and Insalaco told him to move out of her home. The next day, after Insalaco and her children Anna and Gabriel Monzon left the house, Wallace did not leave.

When Anna arrived home from school at 2:45, Wallace killed her by hitting her in the head with a small wooden baseball bat. Gabriel arrived home at about 3:00, and Wallace killed him with several blows to the head with a pipe wrench. When Susan came home at about 5:00, Wallace used the same pipe wrench to kill her.

Wallace spent the night at a friend's house and reported his crimes to the police the next day. He pleaded guilty to three counts of first degree murder and, on May 15, 1985, was sentenced to death on each count. The Arizona Supreme Court affirmed the death sentences.

The United States District Court for the District of Arizona granted a writ of habeas corpus because Wallace had received ineffective assistance of counsel at sentencing. It ordered new sentencing proceedings.

In March of 2005, a jury found that Wallace had committed each of the murders in an especially heinous and depraved manner, an aggravating factor making him eligible for the death penalty. A.R.S. § 13-703(F)(6). Finding no mitigating circumstances sufficiently substantial to call for leniency, the jury sentenced Wallace to death for each of the murders.

ISSUES:

Wallace raises fourteen issues in his direct appeal. In addition, the Court independently reviews the aggravating and mitigating factors and the propriety of the death sentences, pursuant to A.R.S. § 13-703.04 (Supp. 2007).

1. Did the trial court err by removing defense counsel over Wallace's objection?
2. Were the jurors erroneously instructed that they were required to impose death?
3. Did the court err by excluding evidence of parole practices in the mitigation phase and refusing to decide on concurrent or consecutive life sentences before the jury reached its sentencing verdict?
4. Was it error for the court to allow Wallace to present mitigation evidence in the form of a notebook?
5. Did the court impermissibly restrain Wallace during trial?
6. Did the State present sufficient evidence to prove that Wallace committed the crimes in an especially heinous or depraved manner?
7. Did the instructions on the sole aggravating circumstance correctly and adequately state the law?
8. Was it error to admit crime scene and autopsy photographs because their potential for prejudice outweighed their probative value?
9. Should the State have been estopped from re-litigating mitigating circumstances noted by the district court?
10. Did the trial court allow improper rebuttal evidence and arguments in the mitigation phase?
11. Did the trial court give erroneous jury instructions and fail to give appropriate instructions requested by Wallace?
12. Did the trial court fail to maintain an adequate record for appeal?
13. Was the jury that sentenced Wallace to death biased?
14. Did the prosecutor commit misconduct?

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