



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. PAUL BRADLEY SPEER
CR-07-0103-AP**

PARTIES AND COUNSEL:

Appellant: Paul Bradley Speer is represented by Kerrie Droban of Droban & Company, PC

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

FACTS:

In May 2002, Paul Bradley Speer and his half-brother, Chris Womble, were in jail awaiting trial on charges of burglarizing the apartment of Adan and Enriqueta Soto. In the early morning of May 25, 2002, Brian Womble, Speer's other half-brother, broke into the Sotos' apartment and shot the couple. Adan died; Enriqueta was seriously injured but survived.

A grand jury subsequently indicted Speer for six felonies in connection with the shooting, including first-degree murder. Speer's trial was severed from Brian Womble's. On January 25, 2007, the jury returned a guilty verdict on all eight counts.

On January 31, 2007, the jury found beyond a reasonable doubt that Speer was previously convicted of a serious offense (armed robbery); that in the commission of the offense, Speer knowingly created a grave risk of death to a third person who was not an intended victim; that the murder was committed in a heinous or depraved manner (witness elimination); and that Speer committed the murder while in custody. These findings made Speer eligible for the death penalty. A.R.S. § 13-703(F).

Finding no mitigating circumstances sufficiently substantial to call for leniency, the jury sentenced Speer to death for the murder on March 28, 2007.

ISSUES:

1. Did the trial court err by denying Speer's motion to suppress recordings of twenty-seven jail recordings?
2. Did the trial court err by denying Speer's request for a *Willits* instruction on lost or destroyed evidence?
3. Did the prosecutor commit prosecutorial misconduct?

4. Did the trial court improperly strike and refuse to strike potential jurors from Speer's jury?
5. Was there sufficient evidence that Speer knowingly placed the victim's infant in grave risk of death to support the finding of the (F)(3) aggravator?
6. Were there various errors regarding a requirement of causal nexus of mitigating evidence in the penalty phase?
7. Did the trial court err in denying Speer's motion for mistrial after a juror saw him in handcuffs?
8. On independent review, should the Supreme Court reduce Speer's sentence to life imprisonment?

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