



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. JESUS VALVERDE, JR.  
CR-08-0292-PR**

**PARTIES AND COUNSEL:**

*Petitioner:* The State of Arizona is represented by Joseph T. Maziarz, Office of the Attorney General.

*Respondent:* Jesus Valverde, Jr., is represented by Nicole T. Farnum.

**FACTS:**

Jesus Valverde was convicted of aggravated assault, a dangerous offense. On appeal, the Court of Appeals reversed the conviction and remanded for a new trial, finding that the trial court's failure to instruct the jury on the defendant's burden of proof for his justification defense (self-defense) was fundamental error. The Court of Appeals issued its opinion on September 16, 2008. The State filed a petition for review by the Arizona Supreme Court.

**ISSUE:**

“Did the court of appeals err in holding that Appellant carried his burden of proving 'fundamental error' and resulting 'prejudice' flowing from his failure to request a burden of proof instruction on his affirmative defense of justification where he could only have benefited by a failure to give the instruction and could not possibly have been prejudiced?”

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