



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**RYAN JOHN CHRONIS v. HON. ROLAND STEINLE
and STATE OF ARIZONA, ex rel. ANDREW THOMAS
CV-08-0394-SA**

PARTIES AND COUNSEL:

Petitioner: Ryan Chronis is represented by Stephen Whelihan, Maricopa County Public Defender's Office.

Respondent: The State of Arizona is represented by James Beene, Maricopa County Attorney's Office.

FACTS:

The grand jury indicted Mr. Chronis on a charge of first-degree murder. The State is seeking the death penalty if he is convicted. An aggravating circumstance alleged by the State is A.R.S. § 13-751(F)(6): "The defendant committed the offense in an especially heinous, cruel or depraved manner." Relying on Rule 13.5(c), Ariz. R. Crim. P., Mr. Chronis filed a motion requesting that the trial court determine whether the alleged aggravating circumstance was supported by probable cause. The trial court denied the motion, and Mr. Chronis filed a Petition for Special Action in the Arizona Supreme Court. The Court accepted jurisdiction as to issue 3 only (set forth below).

ISSUES: The issue as stated by Petitioner:

"Did the trial court fail to perform a duty required by law by refusing to determine whether the F(6) aggravator was supported by probable cause on the grounds that the Petitioner failed to prove there was not probable cause, where the State failed to object to the motion and failed to present facts alleged to support a finding of probable cause, not even by pleading, much less by adducing evidence?"

Definitions:

Rule 13.5(c), Arizona Rules of Criminal Procedure, provides:

c. Amendment to Conform to Capital Sentencing Allegations; Challenges to Capital Sentencing Allegations. The filing of a notice to seek the death penalty with noticed aggravating circumstances shall amend the charging document, and no further pleading needs to be filed. A defendant may challenge the legal sufficiency of an alleged aggravating circumstance by motion filed pursuant to Rule 16.

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.