



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. EDWARD JAMES ROSE  
CR-10-0362-AP**

**PARTIES:**

*Appellant:* Edward James Rose

*Appellee:* The State of Arizona

**FACTS:**

On July 27, 2007, Edward James Rose entered a Southwest Check Cashing store to cash a forged check. The cashier notified the police of the crime in progress. Officer George Cortez, Jr. of the Phoenix Police Department arrived shortly thereafter to arrest Rose. After Officer Cortez had cuffed Rose's left hand, Rose pulled out a gun and shot Officer Cortez twice, killing him. Rose fled the scene, but police found him early the next morning and arrested him.

Rose was charged with first-degree murder of a law enforcement officer, first-degree felony murder, and other non-capital felony counts. On the day Rose's trial was to begin, he pleaded guilty to all charges. The jury found four aggravating factors: prior conviction of a serious offense, A.R.S. § 13-751(F)(2); pecuniary gain, A.R.S. § 13-751(F)(5); the murder was convicted while on probation, A.R.S. § 13-751(F)(7); and the victim was a peace officer, A.R.S. § 13-751(F)(10). After finding no mitigation sufficiently substantial to call for leniency, the jury sentenced Rose to death for the murder.

**ISSUES:**

1. Was Appellant's plea of guilty to all charges made knowingly, intelligently, and voluntarily?
2. Did the trial court abuse its discretion by admitting victim impact evidence at the penalty phase?
3. Did the trial court err by refusing to permit Appellant to present execution impact evidence?
4. Was Appellant denied his constitutional right to be present at all phases of trial when he was absent from three days of juror time screening and his attorney waived his presence?

5. Is A.R.S. § 21-202(B)(3), which precludes non-English speakers from serving on juries, unconstitutional?
6. Is A.R.S. § 13-751(F)(10), which makes the killing of a peace officer in the line of duty an aggravating circumstance, unconstitutional?
7. Did the jury abuse its discretion in finding that the pecuniary gain aggravating circumstance had been proven beyond a reasonable doubt?
8. Did the jury abuse its discretion in sentencing Appellant to death and is this standard of review constitutional?

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