



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA V. ERIC DEON BOYSTON
CR-10-0052-AP**

PARTIES:

Appellant: Eric Deon Boyston

Appellee: State of Arizona

FACTS:

One evening in February 2004, Eric Boyston argued with some of his relatives about his living situation. The next morning he told one of them, "I'm hurt. I can't believe you did me like this. You all going to regret this." That afternoon, while with his girlfriend, Boyston was arguing on the phone with someone and asked his girlfriend to take him to see that person. When she refused, he shot her multiple times. She survived but is paralyzed from the waist down.

After shooting his girlfriend, Boyston jogged to his grandmother's nearby apartment and shot her and an uncle multiple times each, killing them both. His grandmother's sister, who lived two doors down, heard the noise, came out, and asked Boyston what he was doing. Boyston chased her into her apartment and shot her in the back, but she survived. Boyston then returned to his grandmother's apartment and came out fighting with his uncle's friend. Boyston stabbed him with a knife multiple times, eventually killing him. Police arrested Boyston later that night.

A jury found Boyston guilty of three counts of first degree murder, one count of attempted first degree murder, and one count of attempted second degree murder. The jury found three aggravating factors: prior conviction of a serious offense, A.R.S. § 13-751(F)(2), especial cruelty, § 13-751(F)(6) (only for the murder of his uncle and his uncle's friend), and multiple homicides, § 13-751(F)(8). After finding no mitigation sufficiently substantial to call for leniency, the jury sentenced Boyston to death for the murders.

ISSUES:

1. Did the trial court err in determining that Boyston was not mentally retarded and therefore eligible for the death penalty? Did the trial court abuse its discretion in admitting and relying on testimony from the State's mental health expert, whom Boyston challenged as (1) having insufficient experience to qualify as an expert on mental retardation under A.R.S. § 13-753(K)(2), and (2) failing to follow currently accepted clinical evaluation procedures, as required by § 13-753(E)?

2. Did the trial court improperly strike two prospective jurors for cause?
3. Did the trial court err in precluding evidence of drug intoxication to rebut premeditation?
4. Did the State present sufficient evidence that Boyston killed his grandmother and uncle's friend with premeditation?
5. Did the trial court fundamentally err in not instructing the jury on the lesser-included offense of manslaughter?
6. Did the trial court abuse its discretion in denying Boyston's request for a special sentencing jury instruction that Arizona law precluded him from being considered for parole after serving twenty-five years if he were sentenced to life in prison without the possibility of release for twenty-five years?
7. Did the jury abuse its discretion in finding the (F)(6) and (F)(8) aggravators proven, and in sentencing Boyston to death? Does the abuse of discretion standard for appellate review under A.R.S. § 13-756(A) violate the Eighth Amendment?

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