



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. DARREL PANDELI
CR-15-0270-PC**

PARTIES:

Petitioner: State of Arizona

Respondent: Darrel Peter Pandeli

FACTS:

Darrel Peter Pandeli was convicted of the first degree murder of H. I. and the trial court imposed a death sentence. The Arizona Supreme Court affirmed. State v. Pandeli, 200 Ariz. 365, 26 P.3d 1136 (2001). The U.S. Supreme Court vacated the judgment and remanded the case for further consideration in light of Ring v. Arizona, 536 U.S. 584 (2002). The Arizona Supreme Court vacated the death sentence and remanded for a sentencing phase jury trial. State v. Pandeli, 204 Ariz. 569, 65 P.3d 950 (2003). After finding two aggravating factors proved and considering the mitigation evidence presented, the jury returned a verdict for a death sentence. The Arizona Supreme Court affirmed. State v. Pandeli, 215 Ariz. 514, 161 P.3d 557 (2007).

Mr. Pandeli filed a petition for post-conviction relief pursuant to Rule 32, Arizona Rules of Criminal Procedure. After an evidentiary hearing, the superior court vacated the death sentence and ordered a sentencing phase retrial. The State of Arizona filed a Petition for Review.

ISSUES:

1. “Did the PCR court misapply *Strickland* [*v. Washington*, 466 U.S. 668 (1984)] by granting relief on numerous claims that counsel was ineffective at sentencing, where Pandeli’s post-conviction mitigation merely rehashed the sentencing evidence and did not support a finding of prejudice, and the court not only disregarded *Strickland*’s presumption of effectiveness but also ignored lead counsel’s testimony that the decisions Pandeli challenged were strategic?”

2. “Did the PCR court err by concluding that the jury sentenced Pandeli to death based on inaccurate information, where the purportedly incorrect evidence consisted entirely of opinion testimony?”

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