



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



STATE v. DWANDARRIUS JAMAR ROBINSON, CR-18-0284-AP

PARTIES:

Appellant: Dwandarrius Jamar Robinson

Appellee: State of Arizona

FACTS:

This direct appeal arises from Appellant Dwandarrius Robinson's convictions and resulting sentences for first degree murder, arson, and kidnapping.

On July 18, 2012, Robinson beat, bound, and set on fire his nine-months pregnant girlfriend, (S.H.), in the master bedroom of their shared apartment, killing her and their unborn child, Baby H. (B.H.). Robinson then called 9-1-1 to report a fire at the apartment, where emergency responders put out the fire and discovered S.H.'s body on the bedroom floor. The medical examiner determined that "homicidal violence" caused S.H.'s death and that the lack of blood supply from S.H.'s death caused B.H.'s death.

Robinson was indicted on two counts of first degree murder, one count of arson of an occupied structure, and one count of kidnapping. The State sought the death penalty, alleging a total of seven aggravating factors. As to both victims, the State alleged that Robinson had a prior conviction for a serious offense, A.R.S. § 13-751(F)(2) (2009), was convicted of one or more homicides during the offense's commission, § 13-751(F)(8), and killed each victim in an especially heinous, cruel or depraved manner, § 13-751(F)(6). As to B.H. alone, the State also alleged that Robinson was an adult and that B.H. was an unborn child at the time of the murder. § 13-751(F)(9). At trial, the jury found Robinson guilty on all four counts and sentenced him to death. The court also sentenced Robinson to a concurrent fifteen-year sentence for the arson conviction and a consecutive fifteen-year sentence for the kidnapping conviction.

Robinson appeals five issues and lists twelve additional issues that he acknowledges this Court has previously rejected to avoid preclusion and preserve them for federal review.

ISSUES:

1. Did the trial court abuse its discretion by denying Robinson's *Batson* challenges to the State's peremptory strikes of four minority jurors?
2. Did the jury abuse its discretion in finding that the State proved Robinson murdered each victim in an especially heinous, cruel, or depraved manner?

3. Did the trial court err in refusing Robinson's proposed jury instruction defining life imprisonment simply to mean the defendant would spend the rest of his natural life in prison and instead giving an instruction explaining the possible availability of executive clemency?
4. Did the trial court err in denying Robinson's consolidate motion to dismiss the State's death penalty charges because Arizona's capital sentencing scheme fails to adequately narrow the class of death-eligible defendants in violation of the Eighth and Fourteenth Amendments of the United States Constitution?
5. Did prosecutorial misconduct occur during the State's questioning of its medical expert or during its closing arguments at the end of the penalty phase?

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