



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. CHARLES MICHAEL  
HEDLUND  
CR-93-0377-AP**

**PARTIES:**

*Petitioner:* Charles Michael Hedlund

*Respondent:* State of Arizona

**FACTS:**

In February 1991, Charles Michael Hedlund and his half-brother James Erin McKinney began committing a string of residential burglaries. Although the burglaries were committed to obtain personal property and money, McKinney stated that he would kill anyone and Hedlund stated he would beat anyone in the head that they encountered in the homes.

Based on information they obtained from friends, McKinney and Hedlund targeted Christene Mertens on their fourth burglary. Mertens was home alone when McKinney and Hedlund entered her residence. They attacked her, beating and stabbing her multiple times. McKinney and Hedlund later shot her and ransacked her home, taking \$120 in cash. They then targeted Jim McClain, a sixty-five-year-old man who had sold a car to Hedlund. McKinney and Hedlund ransacked his home until they reached the bedroom, where McClain was later found shot in the back of the head. The brothers stole a pocket watch, three hand guns, and McClain's car.

In a joint trial with dual juries, a jury found Hedlund guilty of second degree murder for Mertens's death, first degree murder for McClain's death, and other offenses. Hedlund was sentenced to death for his first degree murder conviction. This Court affirmed the sentence on appeal. *State v. McKinney*, 185 Ariz. 567 (1996).

After unsuccessfully seeking post-conviction relief, Hedlund filed for a writ of habeas corpus in the Federal District Court for the District of Arizona. The District Court did not grant Hedlund relief, and Hedlund appealed to the Ninth Circuit. On appeal, the Ninth Circuit found error in this Court's 1996 appellate review of Hedlund's death sentence, pointing to this Court's use of an unconstitutional nexus test. *Hedlund v. Ryan*, 854 F.3d 577, 586–87 (9th Cir. 2017). The Ninth Circuit described the error as requiring that the mitigating factors Hedlund identified caused him to commit the murder. The Ninth Circuit "remand[ed the case to the District Court] with instructions to grant the writ with respect to Hedlund's sentence unless the state, within a reasonable period, either corrects the constitutional error in his death sentence or vacates the sentence and imposes a lesser sentence consistent with law." *Id.* at 587–88.

The State moved to conduct a new independent review, which this Court granted.

**ISSUES:**

In this Court's independent review, is the mitigating evidence considered in its entirety "sufficiently substantial to call for leniency" under A.R.S. § 13-752 when balanced against the sole aggravating factor, pecuniary gain?

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