



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE V. DONALD DELAHANTY
CR-18-0341-PC**

PARTIES:

Petitioner: Donald Delahanty

Respondent: State of Arizona

FACTS:

Phoenix Police Officer David Uribe stopped Chris Wilson's vehicle exiting the I-17 on May 10, 2005. Donald Delahanty, eighteen-years-old, sat in the front passenger seat, and John Armendariz, eighteen-years-old, sat in the back seat. During the traffic stop, Officer Uribe was shot three times in the head and neck area. After the shooting, Wilson sped from the scene.

The State charged Delahanty with first-degree murder and gave notice that it was seeking the death penalty under A.R.S. § 13-1105(A)(3), with the two aggravating factors: A.R.S. § 13-751(F)(2) (previous conviction of a serious offense) and A.R.S. § 13-751(F)(10) (murder of an on-duty peace officer).¹ During trial, Armendariz testified that Delahanty was the shooter. In response to a question from a juror, the court asked Armendariz, "Have you made any agreement with the State in order for you to testify?" Armendariz said "No."

The jury convicted Delahanty in 2009 on six charges, including first-degree murder of an officer, and imposed a death sentence. The Arizona Supreme Court affirmed Delahanty's convictions and sentences.

Delahanty then sought post-conviction relief based in part on a letter from the Maricopa County Attorney's Office to Armendariz, dated August 25, 2005, stating that he would not be charged with drug-related crimes to which he admitted while testifying at the preliminary hearing. The superior court ultimately dismissed Delahanty's twenty-three claims based on the merits or preclusion under Arizona Rule of Criminal Procedure 32.

¹ We cite the version of the statute in effect at the time of sentencing. Since this case went to trial, the legislature has amended and renumbered § 13-751. *See* 2019 Ariz. Sess. Laws ch. 63, § 1 (1st Reg. Sess.).

Delahanty filed a Petition for Review of Denial of Petition for Post-Conviction Relief with this Court.

ISSUE:

Did petitioner state a colorable claim for post-conviction relief under *Napue v. Illinois*, 360 U.S. 264 (1959), and *Giglio v. United States*, 405 U.S. 150 (1972), for the prosecution's failure to correct false testimony from witness Armendariz that he did not have an agreement with the prosecution concerning his testimony?

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.