



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. PRESTON ALTON STRONG
CR-17-0201-AP**

PARTIES:

Appellant: Preston Alton Strong

Appellee: State of Arizona

FACTS:

On June 24, 2005, Preston Alton Strong murdered a family of six in Yuma, Arizona. The State indicted Strong for six counts of first degree murder on June 12, 2014, under theories of both premeditated and felony murder.

In April 2017, a jury found Strong guilty of all six counts of premeditated and felony murder. It also found the existence of four aggravating circumstances: (1) Strong had been convicted of another offense for which a life sentence could be imposed, A.R.S. § 13-751(F)(1) (2017); (2) Strong had been convicted of committing one or more other homicides during the commission of the offense, § 13-751(F)(8); (3) Strong had committed the murders in a “cold, calculated manner without pretense of moral or legal justification,” § 13-751(F)(13); and (4) with respect to the child victims, that Strong was an adult and the victims were under fifteen years of age, § 13-751(F)(9).

After the jury rendered its verdicts on the aggravating circumstances, the trial court determined that it should not have instructed the jury on the cold-and-calculating aggravating circumstance because the circumstance “may apply only if the homicide was committed on or after August 12, 2005.” The court accordingly instructed the jury to not consider that aggravating circumstance in sentencing Strong. After jury deliberations, the court sentenced Strong to death for all six counts.

Strong moved for a new trial on six different grounds, including juror misconduct, and to vacate the judgment. The court denied both motions after a hearing.

This Court has jurisdiction for this automatic appeal under article 6, section 5(3) of the Arizona Constitution and A.R.S. § 13-4031.

ISSUES:

Strong appeals nine issues. In addition to those issues, A.R.S. § 13-756(A) requires this Court to review the sentencing portion of Strong’s case to determine whether the factfinder

abused its discretion in finding aggravating circumstances and imposing a sentence of death.

1. Whether the superior court abused its discretion or violated Strong's "right to a speedy indictment" by denying Strong's motion to dismiss for preindictment delay.
2. Whether the court abused its discretion by denying Strong's motion for change of venue based on pre-trial publicity.
3. Whether the court abused its discretion or violated Strong's right to due process and to a fair trial by precluding or limiting the admission of: (A) the testimony of witnesses R.L. and Detective Olivas; (B) Defense Exhibit 1, a photocopy of a sketch of the suspected murderer; (C) the testimony of witness E.M.; and (D) Defense Exhibit 43, phone records of witness A.H.
4. Whether the court abused its discretion or violated Strong's constitutional rights to a fair trial and due process by denying Strong's motions for new trial and to vacate on the grounds of juror misconduct.
5. Whether the court abused its discretion or violated Strong's right to due process by denying Strong's motion to suppress DNA evidence.
6. Whether court committed fundamental error by denying Strong's motion to suppress testimony by victim L.R.'s cousin.
7. Whether the court abused its discretion or committed fundamental error by admitting a letter and testimony by R.C.
8. Whether the court committed fundamental error or violated Strong's rights to due process and effective assistance of counsel by admitting Exhibits 957-60, consisting of timelines and charts of witnesses' and Strong's phone calls on the night of the murders.
9. With regards to the imposition of the death penalty: (A) whether the court committed fundamental error by instructing the jury on the cold-and-calculated aggravating factor, A.R.S. § 13-751(F)(13) (2017); (B) whether the court abused its discretion by denying Strong's motion for mistrial alleging improper victim statements; or (C) whether sufficient evidenced supported the jury's finding of aggravating circumstances and imposition of the death penalty.

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