

**ARIZONA SUPREME COURT**

STATE OF ARIZONA,

Appellee,

v.

AARON BRIAN GUNCHES,

Appellant.

KAREN PRICE,

Crime Victim.

Arizona Supreme Court

No. CR-13-0282-AP

Maricopa County Superior Court

No. CR-2003-038541-001

**CRIME VICTIM'S RESPONSE  
TO MOTION TO ORDER ADCRR  
TO ALLOW MR. GUNCHES'  
WITNESSES TO WITNESS THE  
EXECUTION**

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Crime Victim, Karen Price, by and through undersigned counsel, respectfully notifies this Court that she does not take a position on the motion filed by Inmate Gunches provided that she,<sup>1</sup> her husband, and undersigned counsel, all who have already been approved and invited by ADCRR, are *not* excluded from being present as witnesses to Inmate Gunches' execution. It is Ms. Price's understanding that no other victims are planning to witness Inmate Gunches' execution.

Since her brother, Ted, was murdered by Inmate Gunches, Ms. Price has exercised her constitutional right “[t]o be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.” Ariz. Const. art. II, § 2.1(A)(3). *See also* A.R.S. § 13-4420. Since January of 2023, Ms. Price has also continuously asserted, in this Court, her constitutional rights to justice, due process, and “[t]o a... prompt and final conclusion of the case after the conviction and sentence.”

Arizona's definition of a "criminal proceeding" does not appear to include an execution. A.R.S. § 13-4401(7) (“...any hearing, argument or other matter that is scheduled by and held before a trial court but does not include any deposition, lineup, grand jury proceeding or other matter that is not held in the presence of the court...”). However, in carrying out the execution of Inmate Gunches, ADCRR will be

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<sup>1</sup> Ms. Price and her husband plan to travel to Arizona from out of state to witness the execution.

enforcing an order issued by this Court. It is the final step in the criminal process. Fairness demands that Ms. Price, who has participated and sought justice for her brother since the beginning, is able to witness Inmate Gunches' execution along with her chosen support system. Ariz. Const. art. II, § 2.1(A)(1). Ms. Price will continue to assert her constitutional rights to justice and finality under Ariz. Const. art. II, § 2.1(A)(10) until Inmate Gunches' execution has been completed. In asserting any right, Ms. Price has the right to counsel. A.R.S. § 13-4437(A) ("In asserting any right, the victim has the right to be represented by personal counsel at the victim's expense..."). Ms. Price retained undersigned counsel for this last stage of the criminal justice process. Separating Ms. Price from her counsel, as happened during a previous execution, would violate the Ms. Price's right to counsel, to be treated with fairness, and it would implicate E.R. 4.2 and possibly other ethical rules.

Ms. Price takes no position on Inmate Gunches' motion provided that the result of this Court's order does not cause delay or exclusion of Ms. Price, her husband, or her counsel.<sup>2</sup>

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<sup>2</sup> Undersigned reached out to ADCRR to inquire about the witness list. As of the time of this filing, ADCRR has not yet responded. A.R.S. 13-758 states: "The director of the state department of corrections or the director's designee shall be present at the execution of all death sentences and shall invite the attorney general and at least twelve reputable citizens of the director's selection to be present at the execution. The director shall, at the request of the defendant, permit clergymen, not exceeding two, whom the defendant names and any persons, relatives or friends, not exceeding five, to be present at the execution. The director may invite peace officers as the director deems expedient to witness the execution. No persons other than those

RESPECTFULLY SUBMITTED this 13th day of MARCH 2025.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Colleen Clase  
Arizona Voice for Crime Victims  
Attorney for Victim, Karen Price

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set forth in this section shall be present at the execution nor shall any minor be allowed to witness the execution.”