



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



Robbins et al. v. State of Arizona et al.
Case no. CR-26-0026-PR

PARTIES:

Petitioner: The State of Arizona

Respondents: Jie Q. Robbins and Zachary Andrew Robbins

FACTS:

Before Respondents' criminal trial, the superior court ruled certain records could not be shown to the jury or mentioned at trial. After the State mistakenly referenced the records during the trial, counsel for Jie Robbins requested a mistrial. Then Jie's counsel requested the court dismiss the case with prejudice so that the State could not prosecute her again in a new trial. Counsel for Zachary Robbins joined the request to dismiss the case with prejudice.

The superior court found that because of the State's reference, a mistrial was manifestly necessary. It also found that there should be a new trial. Respondents' counsel objected and asked that the court dismiss the case with prejudice, but the court denied their requests.

The court of appeals held the trial court abused its discretion because neither Respondent had agreed to a new trial and because a mistrial was not manifestly necessary. It also held double jeopardy prevented the State from prosecuting Respondents in a new trial.

This Court granted review and will consider the State's issues raised.

ISSUES:

1. Did the court of appeals err by holding that the trial court abused its discretion by finding there was a manifest necessity for a mistrial, where the defense conceded that there was no cure short of a mistrial and the court of appeals had only a partial trial record?
2. Did the court of appeals err by creating a new "mistrial with prejudice" framework in Arizona?

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.

Under Arizona and U.S. law, defendants are presumed innocent unless and until proven guilty in a court of law.