



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. AARON BRIAN GUNCHES  
CR-08-0038-AP**

**PARTIES:**

*Appellant:* Aaron Brian Gunches

*Appellee:* The State of Arizona

**FACTS:**

In the fall of 2002, Aaron Brian Gunches and Jennifer Garcia drove Ted Price to an isolated desert area, where Gunches fatally shot Price four times. On October 22, 2003, Gunches was indicted for first degree murder and kidnapping in connection with the crime. He was found competent to stand trial and competent to waive his right to counsel. Gunches subsequently pleaded guilty to both counts. In the aggravation phase, Gunches stipulated that an earlier attempted murder conviction was a serious offense; the jury further found that the murder was committed in an especially heinous or depraved manner. Gunches presented little evidence during the mitigation phase, but did request leniency in allocution. The jury determined that he should be sentenced to death.

**ISSUES:**

1. Did the trial court err in finding Gunches competent to waive his right to counsel?
2. Did the trial court err in permitting Gunches to represent himself in the penalty phase of a capital trial?
3. Did the State present sufficient evidence to support the jury's finding of heinousness and depravity?
4. Did the trial court err in instructing the jury on Gunches's possibility of release if he received a life sentence?
5. Did the State's closing argument amount to prosecutorial misconduct requiring reversal?
6. Did the State have a duty to present mitigation evidence in the penalty phase?
7. Did the trial court have a duty to present mitigation evidence in the penalty phase?
8. Did the trial court incorrectly answer a jury question during penalty phase deliberations?
9. Did the trial court err in allowing Gunches to largely waive the presentation of mitigation evidence?
10. Did the jury abuse its discretion in determining that there was no mitigation sufficiently substantial to call for leniency?

*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.*