



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. MANUEL OVANTE, JR.
CR-10-0085-AP**

PARTIES:

Petitioner: Manuel Ovante, Jr.

Respondent: The State of Arizona

FACTS:

This automatic appeal concerns Manuel Ovante's death sentence for the murder of Damien Vickers. In June 2008, Ovante went with three friends to Jordan Trujillo's house. Once inside Ovante pulled out a gun, pointed it at Vickers, and yelled "Who left the safety on?" Ovante disengaged the safety, pointed the gun at Vickers, and told him not to move. Ovante shot Trujillo twice in the head, killing her, and also shot Vickers and Gabriel Valenzuela. Ovante fled with his friends, taking the wounded Vickers with them in their truck. Vickers later died, and Ovante and others abandoned his body in an alley. Valenzuela survived.

The State charged Ovante with two counts of first degree murder and one count aggravated assault. Without a plea agreement, Ovante pleaded guilty to the charges and to aggravating factors making him eligible for a death sentence. A jury determined he should be sentenced to death for the murder of Vickers and life with the possibility of parole after 25 years for the murder of Trujillo.

ISSUES:

1. Can Ovante challenge the validity of his guilty pleas on direct review?
2. Was there an adequate factual basis for Ovante's guilty pleas?
3. Did the prosecution's unbridled discretion to seek the death penalty render Ovante's death sentence unconstitutional?
4. Did the prosecutor's closing argument create fundamental error?
5. Did the trial court err by allowing the State to present evidence of the circumstances of the murders and aggravated assault?
6. Were the trial court's final jury instructions proper?
7. Is there a discrepancy between the trial court's oral pronouncement of Ovante's sentences and the minute entry that requires clarification?
8. Did the jury abuse its discretion by imposing the death penalty?

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