



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. RODNEY HARDY
CR-09-0224-AP**

PARTIES:

Appellant: Rodney Hardy

Appellee: State of Arizona

FACTS:

In 2005, Rodney Hardy's wife left him. He learned that she had become involved with another man and was staying at a friend's apartment. He went to the apartment complex in the middle of the night, confronted the friend at a vending machine, and physically directed the friend upstairs to her apartment. When they arrived at the front door, he pushed the friend inside and walked down the hallway. Hardy found his wife and the other man in the guest bedroom. He shot and killed them both. Hardy fled. The next day, he surrendered and was taken into custody.

A jury found Hardy guilty of kidnapping, burglary, and two counts of first degree murder. The jury found two aggravating factors: prior conviction of a serious offense, A.R.S. § 13-751(F)(2), and multiple homicides, § 13-751(F)(8). After finding no mitigation sufficiently substantial to call for leniency, the jury sentenced Hardy to death for the murders.

ISSUES:

1. Did the trial court clearly err when it overruled Hardy's objection to the State's peremptory strikes of two prospective jurors, one of whom was African American and the other of whom was Latina?
2. Did the trial court abuse its discretion when it denied Hardy's motions for judgments of acquittal on kidnapping, burglary, and felony murder?
3. Did the trial court err when it denied Hardy's request on the first-degree murder counts to use separate verdict forms for premeditated murder and felony murder?
4. Did the trial court abuse its discretion when it granted the State's motion to allow, and denied Hardy's motion to preclude, evidence of Hardy's acts and statements during the days before the murders?
5. Did the trial court abuse its discretion when it denied Hardy's motion to introduce

evidence during the guilt phase relating to Hardy's childhood and a prior altercation in which he was shot nine times?

6. Did the trial court abuse its discretion in denying Hardy's motion for mistrial because three jurors inadvertently saw him wearing jail garb?
7. Did the trial court abuse its discretion in denying Hardy's motion to give a special sentencing instruction stating that Hardy would not be eligible for parole, or informing the jury what "release" would entail if he were sentenced to life in prison without the possibility of release for twenty-five calendar years?
8. Did the trial court abuse its discretion in denying Hardy's motion for mistrial after the State attempted to impeach Hardy's mitigation expert in the penalty phase with a question relating to another defendant for whom the expert previously had testified, and who later killed a prison guard?

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