



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. PETE J. VANWINKLE  
CR-09-0322-AP**

**PARTIES:**

*Appellant:* Pete J. VanWinkle

*Appellee:* State of Arizona

**FACTS:**

On May 1, 2008, while they were both inmates in the Maricopa County Jail, Pete J. VanWinkle attacked and killed Robert Cotton. Jail surveillance videos captured Cotton entering VanWinkle's cell and VanWinkle severely beating and strangling him for nearly twenty minutes. After he finished beating Cotton, VanWinkle dragged his body out of the cell and attempted to throw it over the second-floor railing.

A jury found VanWinkle guilty of first-degree murder. It also found that VanWinkle had committed the crime while in the custody of the Maricopa County Sheriff's Office, *see* A.R.S. § 13-703(F)(7)(a); that he had previously been convicted of a serious offense, *see* A.R.S. § 13-703(F)(2); and that the murder was especially heinous or depraved, *see* A.R.S. § 13-703(F)(6). The jury found there were no mitigating circumstances sufficiently substantial to call for leniency, and VanWinkle was sentenced to death.

**ISSUES:**

1. Did the trial court abuse its discretion by denying VanWinkle's repeated motions to continue the trial to allow his attorney more time to prepare?
2. Did the state present sufficient evidence to support the jury's first-degree murder verdict?
3. Did the trial court err by admitting specific evidence of VanWinkle's conduct in jail prior to killing Cotton?
4. Did the trial court correctly state the law in its jury instruction defining an especially heinous or depraved murder?
5. Did the state present sufficient evidence to support the jury's finding of especial heinousness and depravity?

6. Did the trial court err by allowing the state to present evidence of VanWinkle's attack on a different inmate to rebut his mitigation presentation?
7. Did the jury abuse its discretion by sentencing VanWinkle to death?

*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.*