



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. STEVEN JOHN PARKER
CR-10-0196-AP**

PARTIES:

Appellant: Steven John Parker

Appellee: State of Arizona

FACTS:

Wayne and Faye Smith were murdered in their North Phoenix home on Monday, September 26, 2005. Faye's feet and ankles were bound with speaker wire. She had several bruises and stab wounds, including a fatal stab wound to her chest. Wayne had several stab wounds, but he died of blunt force trauma to his head.

The Smiths' wallets were missing from their home. Someone used their credit and bank cards at several locations near the Smiths' home on Saturday, September 24, 2005. The next day, the cards were used in Quartzsite, Arizona, and in Temecula, California.

Parker lived next door to the Smiths. On Sunday, September 25, Parker left home and drove to Tucson and then to Mexico, crossing the California border near Tijuana. Parker traveled to various places in Mexico and then drove to California. There, friends told him he was a "person of interest" in the Smiths' murders.

Police arrested Parker on October 12, 2005 for the theft of a car and money and questioned him about the Smiths' murders. Parker pleaded guilty to the theft of money and was sentenced to probation and released.

Police arrested Parker again on May 26, 2006, after DNA test results revealed that Parker's DNA matched blood found on the Smiths' kitchen sink and a napkin in the Smiths' kitchen. Parker said that he cut himself while helping Wayne with some yard work the week before the murders and had gone in the Smiths' house to wash off the blood.

A few years after the murders, police discovered other fraudulent activity on the Smiths' accounts. Casandra Manery had set up a PayPal account using the Smiths' account information. She said she got the account information from Jason Randall, who lived near the Smiths. Parker argued at trial that Randall or his associates committed the murders.

A jury found Parker guilty on two counts of first-degree murder, one count of first-degree

burglary, and one count of kidnapping. The jury found three aggravating factors: pecuniary gain, A.R.S. § 13-751(F)(5), especial cruelty, A.R.S. § 13-751(F)(6), and multiple homicides, A.R.S. § 13-751(F)(8). After finding no mitigation sufficiently substantial to call for leniency, the jury sentenced Parker to death for the murders.

ISSUES:

1. Was Parker denied his Sixth Amendment right to a speedy trial?
2. Did the trial court err in precluding defense counsel's questions during voir dire on jurors' views on the death penalty?
3. Did the trial court err in precluding Manery's hearsay statement that she "thought at some point that [Randall] had told [her] that he had also gone inside the house to look for other things"?
4. Did the trial court err in admitting a report of the Smiths' credit card transactions under the business records exception to the hearsay rule? Did admission of this evidence violate Parker's Sixth Amendment right to confront the witnesses against him?
5. Did the trial court err in admitting Wayne Smith's handwritten timesheets under the business records exception to the hearsay rule? Did admission of this evidence violate Parker's Sixth Amendment right to confront the witnesses against him?
6. Did the trial court err in instructing the jury that it could consider Parker's road trip as evidence of guilt?
7. Did the trial court err in refusing to give the jury an instruction on his third-party culpability defense?
8. Did the trial court err by admitting video of Parker's interview with police in which he invokes his Fifth Amendment rights to remain silent and to have a lawyer present? Did the trial court abuse its discretion in denying Parker's motion for a mistrial after the prosecutor commented during closing arguments on Parker's invocation of his Fifth Amendment rights?
9. Were Parker's convictions supported by substantial evidence?
10. Did the trial court err in denying Parker's motions for mistrial made on the basis that his convictions were contrary to the weight of evidence and that newly discovered evidence would have changed the verdict?
11. Should this Court adopt the cumulative error doctrine and find that the cumulative effect of the errors in Parker's case warrant a reversal of his conviction?

In addition, A.R.S. § 13-756(A) requires the Court to review Parker’s death sentence to “determine whether the trier of fact abused its discretion in finding aggravating circumstances and imposing a sentence of death.”

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