



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. TRENT CHRISTOPHER BENSON
CR-11-0344-AP**

PARTIES:

Appellant: Trent Christopher Benson

Appellee: State of Arizona

FACTS:

This automatic appeal arises from Defendant Trent Christopher Benson's convictions and resulting sentences for two counts of first-degree murder, four counts of kidnapping, three counts of sexual assault, and one count of attempted sexual assault.

Between 2004 and 2007, Benson kidnapped, sexually assaulted, and killed Alisa Beck, and kidnapped, attempted to sexually assault, and killed Karen Campbell. Benson murdered both victims by strangulation. During that time period, he also kidnapped and sexually assaulted two other women. After Benson's DNA was linked to a previously unknown male DNA profile found on the bodies of all four victims, he was arrested on May 14, 2008. In a subsequent interview with police, Benson confessed to committing the offenses against Beck, Campbell, and one other victim. He denied committing any offenses against the remaining victim.

After entering its guilty verdicts, the jury also found three aggravating factors for each murder: prior conviction of an offense for which a sentence of life imprisonment or death was impossible, A.R.S. § 13-751(F)(1); prior conviction of a serious offense, § 13-751(F)(2); and the homicides were especially heinous, cruel or depraved, § 13-751(F)(6). The jury sentenced Benson to death after finding that the mitigating evidence did not call for substantial leniency. Benson also received prison sentences on the remaining counts, ordered to be served consecutively, totaling 135.5 years.

ISSUES:

1. Did the trial court abuse its discretion in refusing to sever counts concerning one victim from the indictment?
2. Did the trial court abuse its discretion when it denied Benson's motion to suppress DNA results from a re-testing of a swab taken from one of the surviving victims?
3. Did the trial court err in denying Benson's motion to produce partially matching DNA profiles from the Department of Public Safety database?
4. Were Benson's due process rights violated after he was restrained during trial with a

- leg brace and stun belt?
5. Did the trial court properly instruct the jury on the definition of gratuitous violence?
 6. Did the prosecutor improperly argue that there was no “length of time” requirement in order to establish “especially cruel” under § 13-751(F)(6)?
 7. Is the “especially cruel” aggravator under § 13-751(F)(6) unconstitutionally vague?
 8. Is there sufficient evidence to support the “especially heinous, cruel, or depraved” aggravator under § 13-751(F)(6)?
 9. Did the trial court err when it refused to waive Benson’s parole eligibility, and instruct the jury that Benson would not be paroled if sentenced to life?
 10. Did the trial court abuse its discretion in denying a motion to admit mitigating evidence that Benson would likely not be released if given a life sentence?
 11. Did the court err in permitting victim impact statements?
 12. Is the “abuse of discretion” standard unconstitutional?
 13. Did the jury abuse its discretion by imposing the death penalty?

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