



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. WILLIAM MILLER  
CR-11-0331-AP**

**PARTIES:**

*Appellant:* William Miller

*Appellee:* State of Arizona

**FACTS:**

In November 2005, William Miller set his house on fire with the help of his employee, Steven Duffy. A few days later, Tammy Lovell, Steven's girlfriend, told police of Steven's and Miller's involvement in the arson. Steven admitted his and Miller's participation, and he and Tammy cooperated with the police investigation. A few weeks later, Miller was indicted for arson and related fraud. Miller then began telling a number of people that he wanted Steven and Tammy dead. He tried to recruit four people to kill Steven, Tammy, and their family, but all four ultimately declined.

On February 21, 2006, police found Steven, Tammy, Steven's brother, and Tammy's children (Cassandra and Jacob), shot to death in their Mesa house. Evidence recovered at Miller's home, including bullets, linked him to the killings. In March 2006, Miller was charged with five counts of murder and burglary. In June, he was charged with four counts of solicitation to commit murder.

The murder and solicitation cases were often handled together with Miller's arson case, which the prosecution planned to try first. In December 2007, Miller's murder and solicitation cases were formally consolidated. Later, Miller pleaded guilty to all charges in the arson case. His trial for murder and solicitation began August 3, 2011. A jury found him guilty of all charges. The jury also found four aggravators: prior conviction of a serious offense, A.R.S. § 13-751(F)(2); multiple homicides, A.R.S. § 13-751(F)(8); victim younger than 15, A.R.S. § 13-751(F)(9); and witness elimination, A.R.S. § 13-751(F)(12). Finding that the mitigation did not warrant leniency, the jury sentenced Miller to death for each murder.

**ISSUES:**

1. Did the five-year, five-month delay between indictment and trial deprive Miller of his rights to a speedy trial?
2. Did the trial court violate Miller's due process rights by giving his new lead counsel only 11 months to prepare for trial, after his previous counsel was

removed from the case?

3. Did the trial court err in consolidating his murder and burglary case with his solicitation case?
4. Did the trial court err in admitting into evidence three separate recordings of Tammy's and Steven's statements, thereby violating the Confrontation Clause and the rule against hearsay?
5. Did the trial court err in admitting Tammy's statements because she lacked personal knowledge of events she recounted or because the statements were inadmissible bad character evidence?
6. Did the trial court err by denying Miller's motion for mistrial after a witness improperly stated that Miller was a felon during her testimony?
7. Was the testimony of a firearm toolmark identification expert admissible?
8. Was the evidence sufficient to support Miller's solicitation convictions?
9. Did the trial court violate Miller's constitutional rights by refusing to instruct the jury that acts of other participants could be a mitigating factor?
10. Did the jury verdict form and instructions on the multiple homicides aggravator, A.R.S. § 13-751(F)(8), violate Miller's right to a unanimous verdict by not requiring the jury to mark the aggravator proven as to each count?
11. Did the jury abuse its discretion in sentencing Miller to death?

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