



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. RICHARD J. GLASSEL
CR-13-0060-AP**

PARTIES:

Appellant: State of Arizona

Appellee: Richard J. Glassel

Amici: Duane Lynn, David Lynn, Cathy Morgan, Cindy Bays, Thomas Lynn, Phillip Lynn, and Patricia Wyatt; and National Crime Victim Law Institute

FACTS:

In 2005, the Arizona Supreme Court affirmed Richard Glassel's convictions for two counts of first degree murder and thirty counts of attempted first degree murder, and the sentences imposed, including two death sentences. *State v. Glassel*, 211 Ariz. 33, 116 P.3d 1193 (2005). Following the appeal, a post-conviction relief proceeding began in superior court pursuant to Rule 32 of the Arizona Rules of Criminal Procedure. Mr. Glassel died while that proceeding was still pending. After briefing by the parties and crime victims, the superior court concluded that *State v. Griffin*, 121 Ariz. 538, 592 P.2d 372 (1979), required dismissal of the indictment in Mr. Glassel's case because his death abates the convictions and entire criminal proceeding from the beginning (*ab initio*). On February 11, 2013, the court entered an order dismissing the post-conviction relief proceeding and dismissing the indictment. The State of Arizona filed a timely notice of appeal from the dismissal of the indictment.

ISSUE:

"Although this Court had affirmed Glassel's convictions and sentences on appeal, the trial court vacated those convictions and dismissed the indictment because Glassel died while his post-conviction relief proceeding was pending. Did the court err by applying the abatement doctrine in this situation?"

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