



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. STEPHEN REEVES  
CR-11-0157-AP**

**PARTIES:**

Appellant: Stephen Reeves

Appellee: State of Arizona

**FACTS:**

In June 2007, Stephen Reeves entered a business where Norma Contreras was working alone. He murdered her and took her car keys, cell phone, and wallet. A customer at a nearby business heard the victim's screams and called 9-1-1. Reeves was arrested within minutes. A jury found Reeves guilty of first-degree murder, kidnapping, armed robbery, burglary and theft of a means of transportation. The State sought the death penalty for the first-degree murder conviction. The jury found three aggravating circumstances, but could not reach a verdict during the penalty phase. After the trial court declared a mistrial, a new jury found a fourth aggravating circumstance and determined Reeves should be sentenced to death.

**ISSUES:**

The following issues are presented in the opening brief:

1. Whether the trial court abused its discretion by declaring a mistrial when the jury was unable to agree on the penalty verdict and denying Reeves' motion to dismiss the death allegation on the basis that A.R.S. § 13-752, subsections (K) and (L), which authorize a penalty phase retrial following a hung jury, conflict with the Double Jeopardy Clause, the Eighth Amendment, and the evolving standards of decency under the state and federal laws.
2. Whether Arizona's death penalty statutes concerning retrials of the penalty phase after a mistrial based on a failure to reach a unanimous verdict, are unconstitutionally vague in the manner of determining the significance of aggravating circumstances and violate the Due Process Clause of the Fourteenth Amendment, corresponding provisions of the Arizona Constitution, and the Eighth Amendment.
3. Whether the trial court abused its discretion by denying Reeves' motion to preclude the State from arguing future dangerousness because the ruling prevented the jury's giving meaningful consideration to constitutionally relevant mitigating evidence.
4. Whether A.R.S. § 13-751(F) is unconstitutional because it requires imposition of the death penalty whenever at least one aggravating circumstance and no mitigating circumstance

exists or if a defendant cannot prove a mitigating circumstance by a preponderance of the evidence, in violation of the Eighth and Fourteenth Amendments, and Article 2, Section 15 of the Arizona Constitution.

*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.*