



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. ANDRE MICHAEL LETEVE
CR-12-0535-AP**

PARTIES:

Appellant: Andre Michael Leteve

Appellee: State of Arizona

FACTS:

This automatic appeal arises from death sentences imposed on Andre Michael Leteve for murdering his two young sons.

Leteve married Laurie in 1998 and they had two sons: Alec in 2004 and Asher in 2008. The marriage ended in 2009, after Leteve revealed a series of marital infidelities to his wife and she moved out and filed for divorce. One morning in March 2010, Leteve called 911 to report that he had shot his two sons and had attempted suicide.

In October 2012, a jury found Leteve guilty of two counts of first-degree murder. The jury also found three aggravating circumstances: the murders were committed in an especially heinous or depraved manner, A.R.S. § 13-751(F)(6); Leteve was convicted of multiple homicides on the same occasion, § 13-751(F)(8); and each victim was under the age of fifteen, § 13-751(F)(9). Considering these factors and the mitigating evidence, the jury determined Leteve should be sentenced to death for each murder.

ISSUES:

1. Did the trial court err by admitting statements Leteve made to police when they responded to his home immediately after the murders?
2. Did the trial court abuse its discretion by precluding certain testimony relating to Leteve's state of mind at the time of the murders?
3. Did the trial court abuse its discretion in admitting evidence of actions Leteve had taken to harass Laurie and her new boyfriend?
4. Did the trial court err by instructing the jury that a parental relationship of trust between the victim and the defendant by itself could satisfy the (F)(6) aggravator?

5. Did the trial court abuse its discretion by precluding evidence, during the mitigation phase, of prison conditions?
6. Did the trial err in permitting testimony, during the mitigation phase, regarding the impact of the murders on Leteve's neighbors?
7. Did the jury abuse its discretion in sentencing Leteve to death?
8. Did the trial court abuse its discretion by awarding restitution to the victims?

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