



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. JOEL RANDU ESCALANTE-OROZCO
CR-13-0088-AP**

PARTIES:

Appellant: Joel Randu Escalante-Orozco

Appellee: State of Arizona

FACTS:

This automatic appeal arises from Defendant Joel Randu Escalante-Orozco's conviction and resulting sentences for one count each of first-degree murder, sexual assault, and burglary in the first degree.

In March 2001, Escalante-Orozco was employed as a live-in maintenance worker at the apartment complex where Maria R. lived. One morning, Maria was found dead in her apartment. She had been beaten, sexually assaulted, and stabbed to death. Around the same time, Escalante-Orozco left the area without informing the apartment management.

Escalante-Orozco was arrested six years later. The State indicted him on one count of first degree murder, two counts of sexual assault and one count of burglary in the first degree, and sought the death penalty.

During trial, the court dismissed one of the sexual assault charges, and the jury found Escalante-Orozco guilty on all remaining counts. The jury found one aggravating factor: the homicide was especially cruel, A.R.S. § 13-751(F)(6). After considering mitigation evidence, the jury determined that Escalante-Orozco should receive the death penalty. The trial court thereafter sentenced Escalante-Orozco to death and imposed consecutive terms of imprisonment for the sexual assault and burglary convictions.

ISSUES IN PETITION FOR REVIEW:

1. Whether the death sentence must be vacated in light of the preponderance of the evidence demonstrating Escalante-Orozco's intellectual disability, under this Court's obligation to independently review the propriety of the sentence.
2. Whether Escalante-Orozco is entitled to a new sentencing proceeding to present evidence and have that evidence considered in conformity with the clinical standards for intellectual-disability assessment, in light of *Hall*.
3. Whether the court's pretrial determination that Escalante-Orozco is not

intellectually disabled was based on an unconstitutional application of A.R.S. §13-753.

4. Whether Arizona's statutory framework for determinations is unconstitutional because it creates an unacceptable risk of executing persons with an intellectual disability.
5. Whether the court's failure to instruct the jury on the clinical definitions of intellectual disability violated Escalante-Orozco's rights under the state and federal constitutions and *Hall*.
6. Whether the court's admission of irrelevant and highly prejudicial evidence in the penalty phase violated Escalante-Orozco's rights under the state and federal constitutions.
7. Whether the cumulative effect of prosecutorial misconduct during penalty phase closing arguments mandates reversal of Escalante-Orozco's death sentence.
8. Whether the court's denial of a bifurcated jury determination on intellectual disability violated Escalante-Orozco's rights under the state and federal constitutions.
9. Whether the state and federal constitutions require a bifurcated capital sentencing proceeding with the presentation and consideration of intellectual disability evidence occurring before the penalty phase.
10. Whether the court erred in denying Escalante-Orozco's motion for acquittal of the death penalty based on his intellectual disability, pursuant to Rule 20, Arizona Rule of Criminal Procedure 20.
11. In response to the State's cross-appeal, whether the court properly instructed the jury to make an independent determination of intellectual disability as a legal bar to the death penalty, in accordance with A.R.S. §13-753(H), *Atkins*, the 8th Amendment, and Article 2, § 15 of the Arizona Constitution.
12. Whether the court erred by admitting Escalante-Orozco's statements to police despite the inadequacy of the Miranda warnings, his inability to knowingly and intelligently waive his *Miranda* rights, and the denial of his consular rights, in violation of the state and federal constitutions and international law.
13. Whether the court erred by failing to hold a competency hearing despite evidence raising a bona fide doubt as to Escalante-Orozco's competence to participate intelligently in the proceedings, in violation of his state and federal constitutional rights.
14. Whether the prosecution used peremptory strikes to systematically exclude

Hispanic and African-American jurors in violation of *Batson* and the state and federal constitutions.

15. Whether the court's excusal of potential jurors who expressed discomfort with the English language violated Escalante-Orozco's rights under the state and federal constitutions.
16. Whether the court unreasonably limited the time for individual voir dire, in violation of Escalante-Orozco's rights under the state and federal constitutions.
17. Whether seating a juror who worked at the Maricopa County Medical Examiner's Office and suffered an impermissible conflict violated Escalante-Orozco's rights under the state and federal constitutions.
18. Whether admitting unreliable and unfairly prejudicial DNA evidence violated the Rules of Evidence and Escalante-Orozco's rights under the state and federal constitutions.
19. Whether the trial court's limitation of and erroneous jury instruction regarding third party culpability evidence violated Escalante-Orozco's rights under the state and federal constitutions.
20. Whether the court's admission of improper character and prior bad acts evidence violated the Rules of Evidence and Escalante-Orozco's rights under the state and federal constitutions.
21. Whether admitting irrelevant and highly prejudicial autopsy and crime scene photographs violated Escalante-Orozco's federal and state constitutional rights.
22. Whether admitting irrelevant and highly prejudicial victim impact evidence during the guilt phase violated Escalante-Orozco's rights under the state and federal constitutions.
23. Whether the cumulative effect of prosecutorial misconduct during guilt phase closing argument mandates reversal of Escalante-Orozco's convictions.
24. Whether the court erred by denying Escalante-Orozco's motion for acquittal because no substantial evidence supported the convictions.
25. Whether the court's inadequate jury instruction on the especially cruel aggravator violated Escalante-Orozco's rights under the state and federal constitutions.
26. Whether the cumulative effect of the prosecutorial misconduct during aggravation phase closing argument mandates reversal of Escalante-Orozco's death sentence.
27. Whether Escalante-Orozco's death sentence must be vacated on independent

review because the State failed to prove the especially cruel aggravator beyond a reasonable doubt.

28. Whether the finding that the murder was especially cruel violates due process and *Jackson v. Virginia*, 443 U.S. 307, 319 (1979), because no rational trier of fact could have found the aggravator proven beyond a reasonable doubt.
29. Whether the court erred by denying the motion for new trial and motion to vacate judgment based on possible juror misconduct and the improper replacement of a deliberating juror, without providing Escalante-Orozco a full and fair opportunity to develop the record on these issues, in violation of the state and federal constitutions.

ISSUE IN CROSS-PETITION FOR REVIEW:

Under Arizona law, the trial court hears evidence of intellectual disability as a legal bar to execution and the jury hears evidence of intellectual disability as mitigation. Did the trial court err by instructing the jurors in the penalty phase that if they found proven by a preponderance of the evidence that Escalante-Orozco had intellectual disability, they must vote for a life sentence?

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.