



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. DAUNTORIAN LYDEL SANDERS
CR-14-0302-AP**

PARTIES:

Appellee: State of Arizona

Appellant: Dauntorian Lydel Sanders

FACTS:

On August 31, 2009, Sanders beat his live-in girlfriend's three-year-old daughter to death. Sanders admitted disciplining the victim with a belt but claimed her death was accidental. The medical examiner testified that the victim's injuries were too severe to be explained as discipline.

Sanders was convicted of first degree murder and two counts of child abuse. The jury found three aggravating factors: (1) Sanders had been previously convicted of a serious offense, *see* A.R.S. § 13-751(F)(2); (2) Sanders committed the offense in an especially heinous, cruel or depraved manner, *see* § 13-751(F)(6); and (3) Sanders was an adult and the victim was under fifteen years of age, *see* § 13-751(F)(9). After considering Sanders' mitigating evidence, the jury determined that the appropriate sentence was death.

ISSUES:

1. Did the trial court commit fundamental error in failing to disqualify Juror 19?
2. Did the trial court err in failing to give a parole-ineligibility instruction pursuant to *Simmons v. South Carolina*, 512 U.S. 154 (1994)?
3. Does use of Sanders' child abuse conviction as both the predicate for felony murder and to establish the A.R.S. § 13-751(F)(2) aggravating factor violate the Double Jeopardy Clause and the Eighth Amendment?
4. Is the A.R.S. § 13-751(F)(6) aggravating factor unconstitutionally vague?
5. Does the A.R.S. § 13-751(F)(9) aggravating factor fail to sufficiently narrow the defendants subject to the death penalty?
6. Did the trial court commit fundamental error by imposing a five-minute time limit on individual voir dire?

7. Did the trial court err in failing to strike Jurors 10, 31, and 72 for cause?
8. Did the trial court abuse its discretion in admitting autopsy photographs of the victim?
9. Did the trial court abuse its discretion by initially excluding and then later admitting letters Sanders wrote to the victim and her mother during his police interview?
10. Did the trial court err in denying Sanders' motion for a mistrial after State witnesses supplied opinion testimony?
11. Did the prosecutor commit pervasive misconduct that affected Sanders' Due Process rights?
12. Did the trial court accurately instruct the jury on the elements of child abuse and what constitutes a "voluntary act"?
13. Does sufficient evidence support Sanders' conviction for Count III, Child Abuse?
14. Did the prosecutor misstate the mitigation standard?
15. Did the trial court violate Sanders' right to a fair trial by admitting his co-defendant's statements to police during the penalty phase?
16. Did the trial court abuse its discretion in denying Sanders' motion for a mistrial after the prosecutor cross-examined an expert witness about a prior rape allegation against Sanders?
17. Did the jury abuse its discretion in finding Sanders' mitigation not sufficiently substantial to warrant leniency and imposing a death sentence?

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