



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. DONALD DAVID DELAHANTY  
CR-09-0133-AP**

**PARTIES:**

*Appellant:* Donald David Delahanty

*Appellee:* State of Arizona

**FACTS:**

On May 10, 2005, Officer David Uribe of the Phoenix Police Department was killed after initiating a traffic stop on a burgundy Chevrolet Monte Carlo near 35th Avenue and Cactus Road. Donald David Delahanty was in the passenger seat of the Monte Carlo, Chris Wilson was driving, and Johnny Armendariz was in the backseat. Wilson and Armendariz testified that Delahanty shot Officer Uribe in the face several times. Before May 10, Delahanty had stated several times that if a police officer ever pulled him over, he would “kill him.”

After the shooting occurred, Delahanty yelled at Wilson to drive. As the trio sped away, Delahanty repeatedly said “I just shot a cop” and “We got to burn the car.” They stopped several blocks away. Wilson and Armendariz left immediately, while Delahanty stayed behind and opened the hood of the car. Police later found the car running with the gas cap removed and two .380 shell casings nearby. Delahanty later admitted to a friend that he attempted to shoot out the gas tank. Both he and Wilson were arrested several days later.

While in custody, through a series of coded letters to a girlfriend, Delahanty sought to have both Wilson and Wilson’s mother killed.

Delahanty was charged with first-degree murder, attempted arson, two counts of conspiracy to commit murder, and two counts of solicitation to commit first degree murder. The jury found him guilty of all counts. Delahanty and the State waived a jury trial on aggravation, and the trial judge found that Delahanty had been convicted of serious offenses, A.R.S. § 13-751(F)(2), and that Delahanty knew or should have known that the victim was an on-duty peace officer, A.R.S. § 13-751(F)(10). After Delahanty waived the presentation of mitigating evidence, the jury determined that he should be sentenced to death.

**ISSUES:**

1. Did the trial court commit fundamental error in failing to order a prescreening evaluation of defendant, pursuant to A.R.S. § 13-754?
2. Did the trial court err in refusing to allow cross-examination on the psychiatric history of the State's chief witness, an admitted paranoid schizophrenic?
3. Did the trial court err in refusing defense counsel's request for lesser-included instructions?
4. Was the defendant competent to knowingly, voluntarily, and intelligently waive mitigation?
5. Should this Court, reviewing the death sentence for abuse of discretion by the jury, conclude the errors necessitate remand for a new sentencing proceeding?

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