



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. CLARENCE WAYNE DIXON
CR-08-0025-AP**

PARTIES:

Appellant: Clarence Wayne Dixon

Appellee: State of Arizona

FACTS:

On January 7, 1978, Deana Bowdoin was strangled to death in her apartment and stabbed three times with a knife. Bowdoin was a 21-year-old college student at Arizona State University. Semen from an unknown male was found on Bowdoin, but the police investigation failed to result in any arrests.

In 2001, a detective checked the DNA profiles from the murder against a database and the profiles matched Clarence Wayne Dixon, who was currently serving seven life terms for the 1985 sexual assault of 21-year-old NAU student Andrea Opper. Dixon's DNA profile matched the profile from the semen, and could not be excluded from DNA found on the belt used to strangle Bowdoin.

In 2002, Dixon was charged with first-degree murder, both premeditated and felony murder, with the underlying felony being the rape of Bowdoin. In 2007, Dixon was tried and chose to represent himself. The jury found him guilty of premeditated murder and felony murder. In the aggravation phase, the jury found that Dixon had been convicted of a prior offense for which a life sentence could be imposed, A.R.S. § 13-751(F)(1), and that the murder was committed in an especially heinous, cruel, or depraved manner, A.R.S. § 13-751(F)(6). Dixon presented only one piece of mitigating evidence, his behavior in prison. The jury determined that he should be sentenced to death.

ISSUES:

1. Did the prosecutor commit misconduct by offering evidence of Dixon's prior rape under Rule 404(c)?
2. Did the trial court err in requiring Dixon to wear a stun belt and a leg brace underneath his clothing at trial?
3. Was the Confrontation Clause violated when a medical examiner testified on the basis of the 1978 autopsy, even though he did not perform the autopsy?
4. Did the trial court err when it refused to allow Dixon hybrid representation for the purpose of cross-examining the State's DNA expert?

5. Did the trial court err in denying the defendant a continuance so that more mitigation evidence could be collected?
6. Did the trial court err when it refused to admit evidence from Bowdoin's diaries describing a past sexual assault?
7. On independent review, are the proven mitigating factors sufficiently substantial to merit leniency in light of the proven aggravating factors?

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