

***Busso-Estopellan v. Mroz*, No. CV-15-0102-PR, 2015 WL 9589159 (Dec. 31, 2015).
(PETITION FOR REVIEW OF SPECIAL ACTION; RELIEF GRANTED)**

PROCEDURAL POSTURE:

This capital case came before the court on the defendant's special action contesting the trial court's ruling on a pretrial motion in limine. The defendant's motion in limine sought permission to introduce certain alleged mitigation, which the trial court denied. The trial judge ruled that the defendant's conditional offer to plead guilty and be sentenced to natural life did not constitute relevant mitigating evidence.

The Court of Appeals denied special action relief. The Supreme Court granted the defendant's petition for review.

MITIGATING CIRCUMSTANCES:

The Court held that a defendant's offer to plead guilty in a capital case, even with a sentencing condition, is relevant to whether the defendant accepts responsibility for his actions, a non-statutory mitigating circumstance.

The Court determined that the condition (the imposition of a life sentence) on the offer to plead guilty affected the weight of the evidence rather than its admissibility.

The Court acknowledged that the trial court may exercise its discretion ("if [the defendant] is convicted, becomes eligible for death sentence, and wants to offer this evidence...") in how best to admit the evidence (e.g., by permitting introduction of part of the offer letter), and also how to address juror speculation and confusion about the State's response to the offer (e.g., by instructing the jury that the State was not required to extend a plea offer).