

ARIZONA COURT OF APPEALS, DIVISION ONE

Robbins v. State

Robbins v. State · No. 1 CA-SA 25-0153; 1 CA-SA 25-0154 (Consolidated) · Decided December 31, 2025

SUMMARY

The Arizona Court of Appeals reviewed a special action challenging retrial after a mistrial in a joint criminal trial. The court held that the defendants did not consent to a mistrial without prejudice and that no manifest necessity supported the mistrial. It vacated the mistrial order and directed the superior court to dismiss the charges with prejudice because double jeopardy barred retrial.

CASE DETAILS

COURT	Arizona Court of Appeals, Division One
WRITING FOR THE COURT	Jennifer M. Perkins; James B. Morse Jr.; D. Steven Williams
JURISDICTION	Arizona Court of Appeals, Division One
DECIDED	December 31, 2025
DOCKET	1 CA-SA 25-0153; 1 CA-SA 25-0154 (Consolidated)
DISPOSITION	vacated
PROCEDURAL POSTURE	The defendants filed a special action petition challenging the superior court's declaration of a mistrial without prejudice and denial of their motions to dismiss the charges with prejudice. The Arizona Court of Appeals accepted special action jurisdiction to decide whether double jeopardy barred retrial.
STANDARD OF REVIEW	The court reviewed de novo whether double jeopardy barred retrial, for abuse of discretion the denial of dismissal with prejudice for prosecutorial misconduct, and for abuse of discretion the grant of a mistrial. Because the mistrial resulted from the State's conduct rather than conduct by the defendants, the court applied stricter scrutiny to the manifest-necessity determination.
PRECEDENTIAL VALUE	Published Arizona Court of Appeals opinion
PARTIES	Jie Q. Robbins, Zachary Andrew Robbins v. State of Arizona ex rel. Rachel H. Mitchell, Maricopa County Attorney

TOPICS

double jeopardy

criminal procedure

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PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether the prosecutor's inadvertent presentation of a reference to precluded evidence constituted intentional prosecutorial misconduct requiring dismissal of the charges with prejudice.
2. Whether the defendants consented to a mistrial without prejudice by requesting or joining in a mistrial request before the jury was dismissed.
3. Whether manifest necessity supported a mistrial without the defendants' consent when the superior court failed to consider their interests in continuing the trial and reversal on appeal was not certain.
4. Whether the Double Jeopardy Clauses of the United States and Arizona Constitutions barred retrial after the mistrial.

HOLDINGS

1. The superior court did not abuse its discretion by denying dismissal with prejudice because the record supported its finding that the prosecutor's reference to the precluded evidence resulted from an unintentional mistake rather than intentional conduct known to be improper and prejudicial.
2. Neither defendant consented to a mistrial without prejudice. A request for a mistrial joined with or conditioned on dismissal with prejudice does not establish consent to retrial when counsel clarifies the limitation or withdraws consent before the jury is dismissed.
3. The superior court abused its discretion by declaring a mistrial without the defendants' consent because it failed to consider their interests in continuing the trial, and continuation would not have made reversal on appeal certain.
4. Because neither defendant consented to the mistrial and no manifest necessity justified it, the Double Jeopardy Clauses of the United States and Arizona Constitutions barred retrial.

KEY QUOTATIONS

"We agree because the defendants did not consent to the mistrial unless the court also dismissed the case with prejudice, and no manifest necessity existed for a mistrial. Double jeopardy thus bars retrial." (§ 1)

"When a court declares a mistrial (1) without the defendant's consent, and (2) when no manifest necessity exists for entering the mistrial, double jeopardy prohibits retrial." (§ 22)

"Neither defendant consented to a mistrial without prejudice and there was no manifest necessity to enter one. Therefore, the Double Jeopardy Clauses of the United States and Arizona Constitutions prohibit the defendants' retrial." (§ 40)

FACTUAL BACKGROUND

The State disclosed police reports and PayPal and eBay records less than a month before trial, and the superior court precluded the evidence and related testimony as untimely disclosed. During the eighth day of the defendants' joint trial, the State played a recording in which a detective stated, "I've looked at your bank records and you're selling millions of dollars worth of products," inadvertently referring to the precluded evidence. The defendants sought dismissal with prejudice and, ambiguously or conditionally, a mistrial; after the court granted a mistrial, both defendants clarified that they wanted dismissal with prejudice or continuation of the trial, not a mistrial without prejudice. The court nevertheless dismissed the jury and refused to reconsider before the jury was discharged.

PROCEDURAL HISTORY

The State charged the defendants with money laundering, illegal control of an enterprise, and attempted trafficking in stolen property. During the joint trial, the State inadvertently introduced a reference to evidence previously precluded for untimely disclosure. Jie requested a mistrial and dismissal with prejudice, and Zachary joined in requesting dismissal with prejudice. The superior court declared a mistrial, denied dismissal with prejudice, dismissed the case without prejudice, and later denied reconsideration. The defendants petitioned for special action relief.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The court accepted special action jurisdiction, lifted the stay, vacated the superior court's order granting a mistrial without prejudice, and directed the superior court to dismiss the defendants' charges with prejudice.

CASES CITED

- Milke v. Mroz, 236 Ariz. 276, 279, ¶ 2 (App. 2014)
- State v. Moody, 208 Ariz. 424, 437-38, ¶¶ 18, 22 (2004)
- State v. Kelly, 257 Ariz. 128, 132, ¶ 6 n.1 (App. 2024)
- State v. Aguirre, ___ Ariz. ___, ___, ¶¶ 25, 37, 43 (App. 2025)
- State v. Korovkin, 202 Ariz. 493, 495, ¶¶ 5, 8 (App. 2002)
- State v. Dickinson, 242 Ariz. 120, 123-25, ¶¶ 12, 17-20 (App. 2017)
- Pool v. Superior Court, 139 Ariz. 98, 108-09 (1984)
- State v. Jorgenson, 198 Ariz. 390, 392, ¶ 6 (2000)
- State v. Smith, 250 Ariz. 69, 86, ¶ 62 (2020)
- McLaughlin v. Fahringer, 150 Ariz. 274, 276-78 (1986)
- State v. Fenton, 19 Ariz. App. 274, 276 (App. 1973)
- State v. Henderson, 116 Ariz. 310, 314 (App. 1977)
- Jones v. Kiger, 194 Ariz. 523, 525-27, ¶¶ 5, 9-10 (App. 1999)
- United States v. Smith, 621 F.2d 350, 352 & n.2 (9th Cir. 1980)

- Glover v. McMackin, 950 F.2d 1236, 1240 (6th Cir. 1991)
- Weston v. Kernan, 50 F.3d 633, 637 (9th Cir. 1995)
- United States v. Palmer, 122 F.3d 215, 219 (5th Cir. 1997)
- Camden v. Circuit Court of Second Judicial Circuit, 892 F.2d 610, 616 n.7 (7th Cir. 1989)
- United States v. Gaytan, 115 F.3d 737, 743 (9th Cir. 1997)
- State v. Segura-Gallegos, 41 F.3d 1266, 1271 (9th Cir. 1994)
- United States v. DiPietro, 936 F.2d 6, 11 (1st Cir. 1991)
- Creighton v. Hall, 310 F.3d 221, 228 (2d Cir. 2002)
- State v. Woods, 237 Ariz. 214, 219-20, ¶¶ 20-22 (App. 2015)
- Illinois v. Somerville, 410 U.S. 458, 464 (1973)
- United States v. Huang, 960 F.2d 1128, 1135 (2d Cir. 1992)
- State v. Henderson, 210 Ariz. 561, 567, ¶ 19 (2005)
- State v. Hood, 251 Ariz. 57, 61, ¶ 14 (App. 2021)
- State v. Escalante, 245 Ariz. 135, 142, ¶ 21 (2018)
- State v. Delgado, 174 Ariz. 252, 257 (App. 1993)
- State v. Strong, 258 Ariz. 184, 211, ¶ 116 (2024)

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