

SUPREME COURT OF ARIZONA

State of Arizona v. William Craig Miller

Miller · No. CR-19-0061-PC · Decided May 4, 2021

SUMMARY

The Supreme Court of Arizona reversed an order granting William Craig Miller a new penalty-phase trial. The court held that Miller failed to establish that trial or appellate counsel performed deficiently by not challenging a widely used jury instruction defining the mental-impairment mitigating circumstance. The court also concluded that Miller failed to demonstrate prejudice under Strickland because other instructions allowed consideration of his mental-health evidence and the totality of the aggravating and mitigating circumstances did not establish a reasonable probability of a different result.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Vice Chief Justice Timmer; Chief Justice Brutinel; Justice Bolick; Justice Pelander (Ret.)
JURISDICTION	Arizona
DECIDED	May 4, 2021
DOCKET	CR-19-0061-PC
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for review of the Maricopa County Superior Court's order granting Miller post-conviction relief and ordering a new penalty-phase trial based on alleged ineffective assistance of trial and appellate counsel.
STANDARD OF REVIEW	Ineffective-assistance claims present mixed questions of fact and law; legal conclusions and constitutional issues are reviewed de novo, while the ultimate ruling on a post-conviction-relief petition is reviewed for abuse of discretion. An abuse of discretion occurs when the court makes an error of law or fails to adequately investigate facts necessary to support its decision.
PRECEDENTIAL VALUE	published and precedential
PARTIES	State of Arizona v. William Craig Miller

TOPICS

post-conviction relief

ineffective assistance

sentencing

jury instructions

sixth amendment

PRACTICE AREAS

criminal procedure

post-conviction relief

capital sentencing

ineffective assistance of counsel

jury instructions

QUESTIONS PRESENTED

1. Whether trial and appellate counsel provided constitutionally deficient performance by failing to challenge the pre-2016 jury instruction defining the statutory significantly-impaired-capacity mitigator.
2. Whether Miller was prejudiced under Strickland by counsel's failure to challenge the instruction.
3. Whether the post-conviction court properly granted relief without weighing the aggravating circumstances against the totality of the mitigating evidence.

HOLDINGS

1. Miller failed to prove that trial or appellate counsel's failure to challenge the instruction fell below an objective standard of reasonableness under prevailing professional norms. The instruction's use of the word "prevented" was erroneous, but the error was not obvious or grievous on this record, and the instruction was widely used and had not been called into question at the time of trial and appeal.
2. Miller failed to show a reasonable probability that, absent counsel's alleged errors, the jury would have returned life-sentence verdicts or the Arizona Supreme Court would have vacated the death sentences and ordered a new penalty phase.
3. The post-conviction court abused its discretion by granting relief without adequately investigating or weighing the facts necessary to determine prejudice under Strickland.

KEY QUOTATIONS

“Although lawyers can be constitutionally deficient for making errors commonly made by others, the record here does not reflect that the defendant’s lawyers were deficient by failing to challenge the jury instruction or that any deficiency prejudiced the defense.” (¶ 1)

“In sum, even if Miller’s lawyers were deficient for failing to challenge the RAJI, his defense was not prejudiced because a reasonable probability did not exist that but for the errors, the jury would have returned a life sentence verdict, and this Court would have remanded for a new penalty phase trial.” (¶ 23)

FACTUAL BACKGROUND

During the 2011 penalty phase, the trial court gave the then-current Revised Arizona Jury Instruction defining the statutory mitigator for significantly impaired capacity. The instruction stated that the defendant's mental illness or other condition had to have "prevented" the defendant from appreciating the wrongfulness of the conduct or conforming conduct to the law, although the statute required only significant impairment. Miller presented extensive mental-health and developmental mitigation evidence, but the jury found it insufficient to

warrant leniency and returned death verdicts. In post-conviction proceedings, the superior court found that the instruction misstated the law and that trial and appellate counsel were ineffective for failing to challenge it.

PROCEDURAL HISTORY

A jury convicted Miller in 2011 of five counts of first-degree murder and other offenses and returned death sentences. The Arizona Supreme Court affirmed the convictions and sentences. Miller later sought post-conviction relief, arguing that trial and appellate counsel were ineffective for failing to challenge a penalty-phase jury instruction defining the statutory mental-impairment mitigator. The superior court granted relief without an evidentiary hearing, and the State sought review. The Arizona Supreme Court reversed the order granting a new penalty phase.

DISPOSITION

reversed

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 686-89, 693-95, 697 (1984)
- State v. Pandeli, 242 Ariz. 175, 180 ¶ 4 (2017)
- McMann v. Richardson, 397 U.S. 759, 771 n.14 (1970)
- Hinton v. Alabama, 571 U.S. 263, 272-73 (2014)
- Padilla v. Kentucky, 559 U.S. 356, 366-67 (2010)
- Bobby v. Van Hook, 558 U.S. 4, 8 (2009)
- State v. Meeker, 143 Ariz. 256, 264 (1984)
- State v. Trostle, 191 Ariz. 4, 22 (1997)
- Berghuis v. Thompson, 560 U.S. 370, 389 (2010)
- Wiggins v. Smith, 539 U.S. 510, 534 (2003)
- State v. Johnson, 247 Ariz. 166, 185-86 ¶¶ 41, 43-44 (2019)
- Wade v. Brockamp, 342 P.3d 142, 152 (Or. App. 2015)
- State v. Miller, 234 Ariz. 31, 46-47 ¶¶ 63-64 (2013)