

SUPREME COURT OF ARIZONA

State v. Villalobos, 225 Ariz. 74

235 P.3d 227 (2010) · No. CR-08-0098-AP · Decided July 1, 2010

SUMMARY

The Supreme Court of Arizona reviewed Joshua Idldefonso Villalobos's convictions for first-degree murder and child abuse and his death sentence. The court addressed the admissibility and voluntariness of his statements, other-acts evidence, autopsy photographs, aggravating-circumstance findings, mitigation, and alleged errors in the penalty phase. The court upheld the challenged rulings and sentence.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Vice Chief Justice Hurwitz; Chief Justice Rebecca White Berch; Justice Michael D. Ryan; Justice W. Scott Bales; Justice A. John Pelander
JURISDICTION	Arizona
DECIDED	July 1, 2010
DOCKET	CR-08-0098-AP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Automatic appeal from convictions for first-degree murder and child abuse and the resulting death sentence.
STANDARD OF REVIEW	The denial of a motion to suppress a confession was reviewed for clear and manifest error, equivalent to abuse of discretion. Evidentiary rulings, including admission of other-acts evidence, photographs, expert testimony, and exclusion of evidence, were reviewed for abuse of discretion. The aggravation findings and death sentence were reviewed for abuse of discretion, and were upheld if any reasonable evidence in the record sustained them.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Arizona; precedential.
PARTIES	Joshua Idldefonso Villalobos v. State of Arizona

TOPICS

sentencing

miranda rights

suppression of evidence

evidence

expert testimony

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Villalobos knowingly and intelligently waived his Miranda rights and whether renewed warnings were required before the polygraph examination and subsequent interrogation.
2. Whether Villalobos's statements to police and the polygrapher were involuntary because of coercion or implied promises of leniency.
3. Whether evidence of Villalobos's prior abuse of Ashley was admissible under Arizona Rule of Evidence 404(b) and Rule 403.
4. Whether autopsy photographs were relevant and whether their probative value was substantially outweighed by unfair prejudice.
5. Whether the medical examiner was qualified to testify about Ashley's pain and suffering during the murder.
6. Whether the prosecutor improperly encouraged the jury to double-count Ashley's age in finding aggravating circumstances.
7. Whether the jury instructions adequately narrowed Arizona's especially heinous, cruel, or depraved aggravator.
8. Whether the trial court reversibly erred by refusing to pose a juror's question concerning Villalobos's potential for rehabilitation.
9. Whether the prosecutor improperly argued that mitigation evidence required a causal nexus to the murder.
10. Whether the evidence supported the aggravating circumstances and the jury's determination that death was the appropriate sentence.

HOLDINGS

1. Villalobos knowingly and intelligently waived his Miranda rights, and renewed Miranda warnings were not required before the polygraph examination or the subsequent interrogation because the circumstances did not suggest that he was unaware of his rights.
2. Villalobos's statements were voluntary because the State proved they were freely and voluntarily made and were not the product of coercion; the detectives' and polygrapher's statements did not constitute impermissible threats or promises of leniency.
3. Evidence of Villalobos's prior abuse of Ashley was admissible for noncharacter purposes, including proving his mental state and rebutting his claims that the fatal injury was accidental or caused by Verdugo, and its probative value was not substantially outweighed by unfair prejudice.

4. The autopsy photographs were properly admitted because they were relevant to the cause of death, extent of abuse, and the State's theory of the homicide, and their probative value was not substantially outweighed by unfair prejudice.
5. The medical examiner was qualified to testify about Ashley's pain and suffering despite specializing in pathology, and the trial court did not abuse its discretion in admitting the testimony.
6. A capital sentencing jury may not be precluded from considering relevant mitigating evidence merely because it lacks a causal nexus to the murder, although the State may argue that the lack of a nexus diminishes the evidence's relevance or weight.
7. The evidence supported the jury's findings of the especially heinous, cruel, or depraved, release-status, and child-victim aggravators, and the jury did not abuse its discretion in determining that the mitigation was not sufficiently substantial to warrant leniency or in imposing death.

KEY QUOTATIONS

“A penalty phase jury may not be precluded from considering relevant mitigating evidence.” (¶ 34)

“Relevance, not a causal nexus, is the only statutory limitation on the jury's ability to consider mitigation evidence.” (¶ 40)

“A finding of cruelty alone is sufficient to establish the (F)(6) aggravator.” (¶ 44)

“For the foregoing reasons, we affirm Villalobos's convictions and sentences.” (¶ 52)

FACTUAL BACKGROUND

Villalobos lived with Annette Verdugo, Verdugo's five-year-old daughter Ashley Molina, and their two-year-old daughter. After Ashley complained of stomach pain, Villalobos took her upstairs, later reported that she was unresponsive, and delayed taking her to the hospital; the hospital physician found approximately 150 to 200 bruises. After receiving Miranda warnings, Villalobos initially denied harming Ashley but later admitted punching her, and the medical examiner concluded that Ashley died from blunt-force abdominal trauma. Evidence also showed prior abuse, three aggravating circumstances, and substantial rebuttal to Villalobos's mitigation evidence.

PROCEDURAL HISTORY

A superior court jury convicted Villalobos of first-degree murder and child abuse. In the aggravation phase, the jury found three aggravating circumstances, and after the penalty phase it determined that the mitigating circumstances were not sufficiently substantial to warrant leniency and imposed death. The Arizona Supreme Court exercised automatic appellate jurisdiction and affirmed the convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- State v. Newell, 212 Ariz. 389, 396 ¶ 22 & n. 6, 132 P.3d 833, 840 & n. 6 (2006)
- State v. Tapia, 159 Ariz. 284, 286-87, 767 P.2d 5, 7-8 (1988)
- State v. Trostle, 191 Ariz. 4, 14-15, 951 P.2d 869, 879-80 (1997)
- State v. Gilreath, 107 Ariz. 318, 319, 487 P.2d 385, 386 (1971)
- State v. Boggs, 218 Ariz. 325, 335 ¶ 44, 185 P.3d 111, 121 (2008)
- State v. Amaya-Ruiz, 166 Ariz. 152, 165, 800 P.2d 1260, 1273 (1990)
- State v. Lopez, 174 Ariz. 131, 138-39, 847 P.2d 1078, 1085-86 (1992)
- State v. Andriano, 215 Ariz. 497, 502 ¶ 17, 161 P.3d 540, 545 (2007)
- State v. Smith, 130 Ariz. 74, 76, 634 P.2d 1, 3 (App. 1981)
- State v. Roque, 213 Ariz. 193, 212 ¶ 59, 224 ¶ 126, 141 P.3d 368, 387, 399 (2006)
- State v. Hyde, 186 Ariz. 252, 276-77, 921 P.2d 655, 679-80 (1996)
- State v. Chapple, 135 Ariz. 281, 288, 660 P.2d 1208, 1215 (1983)
- State v. Canez, 202 Ariz. 133, 154 ¶¶ 65-66, 42 P.3d 564, 585 (2002)
- State v. Anderson, 210 Ariz. 327, 340 ¶ 40, 350 ¶ 97, 353 ¶ 114 & n. 19, 111 P.3d 369, 382, 392, 395 (2005)
- State v. Morris, 215 Ariz. 324, 338, 340-41 ¶¶ 61, 76-77, 80, 82, 160 P.3d 203, 217, 219-20 (2007)
- State v. Davolt, 207 Ariz. 191, 210 ¶¶ 69-70, 84 P.3d 456, 475 (2004)
- State v. Sansing, 206 Ariz. 232, 236 ¶ 12, 77 P.3d 30, 34 (2003)
- State v. Maturana, 180 Ariz. 126, 132, 882 P.2d 933, 939 (1994)
- State v. Velazquez, 216 Ariz. 300, 307-08 ¶¶ 22-24, 28-29, 166 P.3d 91, 98-99 (2007)
- State v. Bolton, 182 Ariz. 290, 310 n. 6, 896 P.2d 830, 850 n. 6 (1995)
- State v. Medina, 193 Ariz. 504, 512 ¶ 26, 975 P.2d 94, 102 (1999)
- State v. McCray, 218 Ariz. 252, 258-59 ¶¶ 25-26, 31 & n. 3, 183 P.3d 503, 509-10 (2008)
- State v. Cromwell, 211 Ariz. 181, 189-90 ¶¶ 42-45, 119 P.3d 448, 456-57 (2005)
- Tennard v. Dretke, 542 U.S. 274, 284-87, 124 S. Ct. 2562, 159 L. Ed. 2d 384 (2004)
- Eddings v. Oklahoma, 455 U.S. 104, 114-15, 102 S. Ct. 869, 71 L. Ed. 2d 1 (1982)
- State v. Ellison, 213 Ariz. 116, 129 ¶ 42, 140 P.3d 899, 912 (2006)
- State v. King, 180 Ariz. 268, 283, 883 P.2d 1024, 1039 (1994)
- State v. Towery, 186 Ariz. 168, 179, 920 P.2d 290, 301 (1996)
- State v. Kaiser, 109 Ariz. 244, 246, 508 P.2d 74, 76 (1973)
- State v. Pandeli, 215 Ariz. 514, 525-26, 533 ¶¶ 31-32, 36, 82, 161 P.3d 557, 568-69, 576 (2007)
- State v. Prince, 206 Ariz. 24, 27 ¶ 10, 75 P.3d 114, 117 (2003)
- State v. Styers, 177 Ariz. 104, 116, 865 P.2d 765, 777 (1993)
- State v. Djerf, 191 Ariz. 583, 595 ¶ 44, 959 P.2d 1274, 1286 (1998)
- State v. Hampton, 213 Ariz. 167, 185 ¶ 89, 140 P.3d 950, 968 (2006)
- State v. Wallace, 160 Ariz. 424, 427, 773 P.2d 983, 986 (1989)
- State v. Johnson, 212 Ariz. 425, 440 ¶ 65, 133 P.3d 735, 750 (2006)
- State v. Dann, 220 Ariz. 351, 376 ¶ 150, 207 P.3d 604, 629 (2009)

- Walton v. Arizona, 497 U.S. 639, 654, 110 S. Ct. 3047, 111 L. Ed. 2d 511 (1990)
- Ring v. Arizona, 536 U.S. 584, 589, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002)
- Enmund v. Florida, 458 U.S. 782, 797, 102 S. Ct. 3368, 73 L. Ed. 2d 1140 (1982)
- Tison v. Arizona, 481 U.S. 137, 158, 107 S. Ct. 1676, 95 L. Ed. 2d 127 (1987)
- Woodson v. North Carolina, 428 U.S. 280, 304, 96 S. Ct. 2978, 49 L. Ed. 2d 944 (1976)

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