



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



STATE v. BEAU JOHN GREENE
CR-21-0082-PC

PARTIES:

Petitioner: State of Arizona
Respondent: Beau John Greene

FACTS:

In 1996, a jury found Beau John Greene guilty of first degree murder and other offenses after he killed a man, stole his wallet, and used cash and credit cards to obtain illegal drugs. The trial court imposed a death sentence after finding the following aggravating circumstance: “The defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value.” A.R.S. § 13-703(F)(5)(1995). The convictions and sentences were affirmed on appeal, with the exception of the conviction for kidnapping.

In 2019, the legislature amended the capital sentencing statute, A.R.S. § 13-751 (formerly § 13-703), in part as follows:

"F. The trier of fact shall consider the following aggravating circumstances in determining whether to impose a sentence of death:

....

4. 3. The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value, OR THE DEFENDANT COMMITTED THE OFFENSE AS A RESULT OF PAYMENT, OR A PROMISE OF PAYMENT, OF ANYTHING OF PECUNIARY VALUE.

~~5. The defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value.~~

... ." Excerpt from Senate Bill 1314, 2019 Ariz. Sess. Laws (1st Reg. Sess.), Ch. 63, § 1.

The amendment modified the “murder-for-hire” aggravating factor and eliminated the “pecuniary gain” aggravating factor. Greene filed a successive petition for post-conviction relief under Rule 32, Ariz. R. Crim. P. The superior court granted relief on the claims and vacated the death sentence.

ISSUES:

"Do Rule 32.1(a), (c), (g) or (h) permit relief where the Legislature made a prospective change to the definition of a capital aggravating factor?"

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