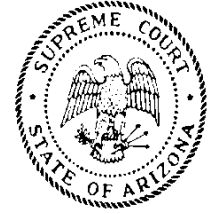




**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA V. CHRISTOPHER MONTOYA
CR-22-0106-AP**

PARTIES

Appellant: Christopher Montoya

Appellee: State of Arizona

FACTS

This direct appeal arises from Appellant Christopher Montoya's convictions and resulting sentences for first degree murder, second degree burglary, kidnapping, aggravated identity theft, unlawful use of a means of transportation, theft, and two counts of animal cruelty.

In April 2017, Montoya and A.R. began a brief romantic relationship. After A.R. ended their relationship, Montoya repeatedly called and texted A.R., and he often waited for her outside of her house. A.R. indicated to friends and family that Montoya's conduct made her nervous, but she was hesitant to reach out to police or obtain a restraining order.

On October 13, 2017, Montoya broke into A.R.'s house while she was out. When A.R. returned home that evening, Montoya attacked her with a hammer and a knife. He handcuffed her hands, bound her feet, and took her to the master bedroom. At some point, Montoya forced A.R. to give him the passwords for her phone, debit card, and email. Montoya killed A.R. by striking her in the head with a hammer fourteen times. Montoya wrapped A.R.'s body in a comforter and tarp and then placed her in the master bathroom. Montoya also killed one of A.R.'s two dogs and put the dead dog in a crate with A.R.'s other dog and put the crate in the tub in the master bathroom.

After Montoya killed A.R., he used her debit card and Amazon account to make purchases and withdraw cash totaling over \$13,000. He also used A.R.'s cell phone to text A.R.'s family, friends, and coworkers pretending to be her. He also removed A.R.'s belongings from her home.

A.R.'s family and friends requested that police conduct a welfare check. Police ultimately discovered A.R.'s body wrapped in the tarp and the crate with the dogs in the bathroom. The other dog was alive but severely dehydrated. Montoya was arrested the next day in Nevada.

The State indicted Montoya for first degree murder, second degree burglary, kidnapping, aggravated identity theft, unlawful use of a means of transportation, theft, and two counts of animal cruelty. The State sought the death penalty and alleged multiple capital aggravating factors. Montoya pleaded guilty to all eight counts in the indictment and to two of the capital aggravating factors alleged by the State: that Montoya had a prior conviction for a serious offense, A.R.S. § 13-751(F)(2) (2012), and he killed A.R. in an especially heinous and cruel manner, § 13-751(F)(6)

A jury was empaneled for the sentencing phase. Montoya waived the presentation of most mitigation evidence, except he allowed his counsel to admit the records of his guilty plea and

mitigation waiver hearings to support a finding of his acceptance of responsibility. He also permitted his counsel to make opening and closing arguments and to cross-examine the witnesses called by the State. The jury sentenced Montoya to death for the murder of A.R. The court also sentenced Montoya to consecutive prison terms on the remaining seven counts, totaling 103 years.

Montoya appeals eight issues and lists nineteen additional issues that he acknowledges this Court has previously rejected to avoid preclusion and preserve them for federal review.

ISSUES

1. Whether nine individual allegations of prosecutorial error or the alleged cumulative prosecutor error denied Montoya a fair trial.
2. Whether the court violated Montoya's right to a fair and impartial jury by limiting his use of a hypothetical during juror selection.
3. Whether the court abused its discretion by declining to strike a juror who indicated strong support for the death penalty or by designating a sleeping juror as an alternate.
4. Whether the court abused its discretion by admitting autopsy photographs of A.R.
5. Whether the court violated Montoya's rights to an individualized sentence and to counsel by accepting his waiver of the presentation of mitigation evidence.
6. Whether the victim impact statements offered impermissible opinions and characterizations about Montoya and the crime.
7. Whether the jury instructions were incomplete and therefore violated Montoya's rights to due process and to be free from arbitrary and capricious punishment.
8. Whether the court erred, before accepting his guilty pleas to the non-capital counts, in failing to advise Montoya that he would be waiving his right to effective counsel in a post-conviction relief proceeding and by erroneously advising Montoya that he would be waiving his right to directly appeal his non-capital convictions.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.