



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE v. SAMMANTHA LUCILLE REBECCA
ALLEN
CR-17-0368-AP**

PARTIES

Appellant: Sammantha Lucille Rebecca Allen

Appellee: State of Arizona

FACTS

In July of 2011, Allen lived with her husband, children, and extended family in Phoenix, Arizona. Allen's ten-year-old cousin and the victim in this case, A.D., was one of several children living in the home. A.D. was regularly abused by the adults in the household. One method of abuse involved confining A.D. for a period of minutes to hours in a footlocker-type box that was significantly shorter in length than A.D. was tall.

On July 11, 2011, Allen and her husband believed A.D. had stolen a popsicle and began a sequence of punishments. After requiring A.D. to do calisthenics—backbends, jumping jacks, and “wall stands”—for several hours, Allen and her husband had A.D. retrieve the footlocker-type box from the backyard and bring it into an unairconditioned carport that had been converted into a homeschool classroom. A.D. was then told to get into the box, and Allen's husband padlocked it shut before the Allens went to their bedroom and fell asleep for the night. A.D. was found dead in the box the following morning. Allen's husband was separately tried and convicted and sentenced to death.

Allen was indicted on five counts: felony murder (Count 1), conspiracy to commit child abuse (Count 2), and three counts of child abuse (Counts 3, 4, and 5). The State sought the death penalty, alleging three capital aggravators: (1) the defendant was previously convicted of a serious offense, (2) the offense was committed in an especially cruel, heinous or depraved manner, and (3) the defendant was an adult, and the victim was under fifteen years of age. At trial, the jury unanimously found Allen guilty on all five counts, found that the alleged aggravators had been proven, and sentenced Allen to death.

ISSUES

Allen appeals the following eighteen issues and lists several others that she acknowledges this Court has previously rejected to avoid preclusion and preserve the issues for further review:

1. Whether Allen's statements to police were obtained in violation of her constitutional rights
2. Whether venireman 155 was properly struck for cause
3. Whether the trial court abused its discretion in denying severance of Count 5
4. Whether conviction on Counts 1–3 occurred in the absence of corpus delicti and whether the trial court abused its discretion in denying Rule 20 motion as to Counts 2 and 5
5. Whether the indictment was duplicitous as to Counts 3–5
6. Whether conviction on Counts 3 and 5 lacked proof of *mens rea*
7. Whether evidence was sufficient on Count 3
8. Whether evidence was sufficient on Count 4
9. Whether evidence was sufficient on Count 1
10. Whether the failure to instruct on lesser-included offenses of Count 1 was error
11. Whether the failure to instruct on lesser-included offenses of Count 5 was error
12. Whether admission of certain photographs constituted error
13. Whether evidence was sufficient to support the *Enmund/Tison* requirement and capital aggravators
14. Whether the jury instruction regarding plea agreement was error
15. Whether *Lockett/Eddings* error occurred
16. Whether Arizona's standard of review for capital sentences is sufficient
17. Whether the court imposed illegal sentences on noncapital counts
18. Whether the jury abused its discretion in imposing a capital sentence

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