

ARIZONA SUPREME COURT

STATE OF ARIZONA,

Appellee,

v.

MURRAY HOOPER,

Appellant.

No. CR 83–0044–AP

Maricopa County Superior Court

No. CR–0000–121686

Ninth Cir. No. 08–99024

U.S. District Court No. CV–98–02164–

PHX–SMM

**MOTION FOR WARRANT OF
EXECUTION**

Pursuant to A.R.S. § 13–759(A) and Arizona Rule of Criminal Procedure 31.23(b), the State of Arizona moves this Court for a Warrant of Execution for Murray Hooper. Hooper’s direct appeal, first post-conviction proceeding, and federal habeas proceeding have concluded. Accordingly, under § 13–759(A) and Rule 31.23(b), a warrant of execution must issue. *See* A.R.S. 13–759(A) (“After a conviction and sentence of death are affirmed and the first post-conviction relief proceedings have concluded, the supreme court shall issue a warrant of execution that authorizes the director of the state department of corrections to carry out the execution thirty-five days after the supreme court’s mandate or order denying review or upon motion by the state. The supreme court shall grant subsequent warrants of execution on a motion by the state.”); Ariz. R. Crim. P. 31.23(b) (“On

the State's motion, the Supreme Court must issue a warrant of execution when federal habeas corpus proceedings and habeas appellate review conclude.”).

A jury found Hooper guilty of the 1980 first-degree murders of Pat Redmond and Helen Phelps, the attempted first-degree murder of Marilyn Redmond, three counts of kidnapping, three counts of armed robbery, and one count of first-degree burglary. *State v. Hooper*, 145 Ariz. 538, 543 (1985); *State v. Bracy*, 145 Ariz. 520, 524–25 (1985). The trial court sentenced Hooper to death for each murder. *Hooper*, 145 Ariz. at 543. This Court affirmed Hooper's convictions and sentences on direct review, *see id.* at 551, and the United States Supreme Court denied certiorari, *Hooper v. Arizona*, 106 S. Ct. 834 (1986). The trial court denied Hooper's first petition for post-conviction relief, and this Court denied review. *See Hooper v. Schriro*, 2008 WL 4542782 at *2, No. CV 98-2164-PHX-SMM (D. Ariz. Oct. 10, 2008) (describing procedural history of the case).

Hooper filed a federal habeas corpus petition in 1991, which the district court dismissed without prejudice to allow Hooper to raise additional claims in superior court. *Id.* After conclusion of that second post-conviction proceeding, Hooper returned to federal court on a petition for writ of habeas corpus in 1998. *Hooper v. Shinn*, 985 F.3d 594, 613 (9th Cir. 2021). The district court ultimately denied Hooper's petition in 2008 and Hooper appealed to the Ninth Circuit Court of Appeals. *Id.*

After a remand pursuant to *Martinez v. Ryan*, 566 U.S. 1 (2012), the district court again denied relief. *Hooper*, 985 F.3d at 614. The Ninth Circuit affirmed the district court's decision on January 8, 2021. *Id.* The Supreme Court denied Hooper's petition for writ of certiorari. *See Hooper v. Shinn*, 142 S. Ct. 1376 (2022).

Hooper's convictions and sentences have been affirmed, and his first post-conviction proceeding and federal habeas appeals have concluded. *See* A.R.S. § 13-759(A); Ariz. R. Crim. P. 31.23(b). The State therefore requests that this Court issue a warrant of execution.

DATED this 26th day of August, 2022.

Respectfully submitted,

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