



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE v. TRAVIS WADE AMARAL  
CR-15-0090-PR**

**PARTIES:**

*Petitioner:* Travis Wade Amaral

*Respondent:* The State of Arizona

**FACTS:**

In 1993, Amaral shot and killed two people during a holdup. He committed the offenses when he was sixteen years old, but his psychologist and his father testified that he behaved three years younger than his chronological age. Amaral pled guilty to two counts of first-degree murder and one count of attempted robbery. Consistent with his plea agreement, the trial court sentenced Amaral to two life terms of imprisonment without the possibility of release for twenty-five years for the murder convictions and 7.5 years of imprisonment for armed robbery. All the sentences are to run consecutively. Under the plea agreement, therefore, the minimum time Amaral could serve before becoming eligible for parole is 55 years, as parole will only become available once he has served both 25-year sentences and two-thirds of the 7.5-year sentence. Amaral will thus be approximately 71 years old before he becomes eligible for parole.

At the sentencing hearing, the trial court said:

It should be noted, consecutive sentences have been imposed, not only because the statute in Arizona mandated consecutive sentences unless there are reasons for imposing concurrent sentences, but because I could find no reasons in mitigation, apart from your age, that would justify imposing concurrent sentences, Mr. Amaral, in light of the circumstances surrounding these offenses, your very deliberate actions in them.

Amaral filed a notice of post-conviction relief in 2010 and a petition for post-conviction relief in 2012, in which he sought resentencing based upon *Miller v. Alabama*, 132 S.Ct. 2455 (2014). Amaral argued that *Miller* was a significant change in the law that entitled him to relief. See Arizona Rule of Criminal Procedure (“Ariz. R. Crim. P.”) 32.1(g) (providing for claims of relief when significant changes in the law would probably overturn the defendant’s sentence). Furthermore, Amaral argued that the scientific studies cited in *Miller* concerning juvenile psychology and anatomy have led to an enhanced understanding of juvenile behavior, constituting newly-discovered material facts that probably would have changed his sentences. See Ariz. R. Crim. P. 32.1(e) (providing for claims of relief on that basis).

The court of appeals granted review, but denied Amaral relief. The appellate court held the trial court did not err when it ruled that Amaral failed to state a colorable claim of newly-discovered evidence. One requirement for a claim of newly-discovered evidence is that “the evidence must appear on its face to have existed at the time of trial but be discovered after trial.” *State v. Bilke*, 162 Ariz. 51, 52, 781 P.2d 28, 29 (1989). Here, the newly-discovered evidence that Amaral was relying upon consisted of behavioral and neurological studies published in the 20-plus years after his sentencing. The studies thus did not exist at the time of trial. The court of appeals concluded, therefore, that under the *Bilke* rule, the studies do not qualify as “newly discovered evidence” that would entitle Amaral to relief under Rule 32(e), Ariz. R. Crim. P.

**ISSUE:**

Should Amaral get an evidentiary hearing to show advances in neurology and psychology would likely have changed his sentence, if known in 1993?

**DEFINITIONS:**

**Colorable claim:** In post-conviction relief proceedings, a claim of sufficient merit to require the court to hold an evidentiary hearing.

**Consecutive sentencing:** Sentences for separate offenses in which a sentence only begins when the one before it ends, rather than serving the sentences at the same time (called concurrent sentencing).

**Parole:** A conditional release period afforded a convicted felon after having served a criminal sentence in prison.

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