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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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STATE OF ARIZONA, *Appellee*,

*v.*

RAMON ARAGON CONTRERAS, *Appellant*.

No. 1 CA-CR 19-0193

FILED 5-14-2020

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Appeal from the Superior Court in Maricopa County

No. CR2016-144686-001

The Honorable Peter A. Thompson, Judge

**AFFIRMED**

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COUNSEL

Arizona Attorney General's Office, Phoenix  
By Joseph T. Maziarz  
*Counsel for Appellee*

The Stavris Law Firm, Scottsdale  
By Alison Stavris  
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**MEMORANDUM DECISION**

Judge Jennifer M. Perkins delivered the decision of the Court, in which Presiding Judge David D. Weinzweig and Judge James B. Morse Jr. joined.

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**P E R K I N S**, Judge:

¶1 Ramon Aragon Contreras appeals his conviction and sentence for first-degree premeditated murder. We affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

¶2 Contreras and A.G. – who had been dating for approximately two years—were sharing a six-pack of beer together in the evening. Contreras had recently been kicked out of the house where he had been living, and was reluctant to show A.G. his current residence—a “wooden shack like structure” on a lot with a pick-up truck, and several “recreational vehicles and trailers” scattered around. But A.G. insisted, and the two headed to the lot.

¶3 There were two men on the property when they arrived (apparently Contreras’s acquaintances). One of the men, M.A., was the victim. A.G. initially did not recognize either man, and was not trying to “talk [or] associate” with them, but M.A. greeted A.G. as if he knew her. She then recognized M.A. as a family friend whom she had known since she was a child. She considered him an “uncle” and had not seen him in a “very, very long time.” The two hugged and exchanged greetings while Contreras stood silently.

¶4 Contreras and A.G. then went into a room in the wooden shack. Upon entering, Contreras immediately asked A.G. why she hugged M.A. A.G. had known Contreras to get jealous whenever she talked to other men. Contreras called M.A. a “puto,” which A.G. understood to mean “[m]other fucker,” and said that M.A. owed him money. Contreras then initiated a conversation about his dogs and whether A.G. would be willing to take care of one. The two then had sexual intercourse. Contreras gave A.G. \$20–25, and walked her out of the property where the two parted ways.

¶5 While A.G. was walking home, Contreras called her “frantically yelling[.]” Contreras “sounded angry” and she could hear him

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“yelling other stuff in the background.” Contreras told her “he had [a] feeling that he was going to hurt someone.” A.G. hung up on him, and refused to answer his next call. Around that same time, A.G. thought she heard multiple gunshots in the distance, but couldn’t recall exactly how many.

¶6 Not long after the gunshots, Contreras approached a Maricopa County Sheriff’s Deputy as the deputy exited a nearby police station. Contreras spoke broken English and “extended his right hand,” and moved his index finger three times “like a trigger.” The deputy asked Contreras “if he had shot someone[.]” and Contreras said, “yes.” The deputy took him into custody and sought a Spanish-speaking deputy to speak with him.

¶7 The second deputy asked Contreras “what was going on[.]” and Contreras told him “he had shot somebody because they kicked him out.” The deputy asked Contreras if he could take him to the location, and Contreras agreed. The deputy found M.A.’s body in the bed of the pick-up truck parked on the lot. The victim had three gunshot wounds to the head. The deputies found three used .380 shell casings either in or near the bed of the truck, and a “Bryco 380” semiautomatic handgun on a table near the truck.

¶8 A Spanish-speaking Detective interviewed Contreras a few hours later and advised him of his *Miranda* rights. Contreras told the Detective that he was upset with M.A. because he referred to his girlfriend, A.G., as a “whore.” Contreras also said he suspected M.A. had stolen his marijuana. Contreras “made the decision that he was going to shoot” M.A.

¶9 Contreras told the Detective that he “shot [M.A.] three times in the head” while M.A. was laying in the truck from “probably about [a] couple feet away,” including “twice in the back of the head, and once in his ear.” The medical examiner’s autopsy corroborated this description. Police also searched Contreras’s phone and found photos and videos of Contreras holding the same handgun used in the shooting.

¶10 The State charged Contreras with one count of first-degree premeditated murder. The first trial ended in a mistrial. The State then retried him in a second trial, which is the subject of this appeal. After the State rested, Contreras moved for a judgment of acquittal under Arizona Rule of Criminal Procedure 20, arguing that “[a]side from [] Contreras’s confession, there is no other evidence . . . relating to premeditation in order to corroborate that confession.” The trial court denied the motion.

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¶11 Contreras testified and claimed that a different man shot and killed M.A. Contreras referred to this man by his nickname, “Pariente,” explaining that he would not “live in peace” if he were to give Pariente’s full name. Contreras testified that Pariente was from Sinoloa and had connections to a drug cartel, and that “[e]veryone” in the area “knows” Pariente. A.G. testified that she did not know Pariente and had never heard Contreras refer to him before.

¶12 Contreras explained that Pariente shot M.A. because he was refusing to wake up from the truck bed. Pariente then allegedly threatened to pin the murder on Contreras or harm Contreras if he did not cooperate. Contreras also testified that Pariente promised him police would later release him. Contreras thus “made up [his] mind that [he] was going to say what Pariente told [him] to say.”

¶13 The jury convicted Contreras as charged, and the trial court sentenced him to natural life imprisonment. Contreras timely appealed.

## DISCUSSION

¶14 Contreras argues (1) the trial court erred by denying his Rule 20 motion for judgment of acquittal because insufficient evidence supported his conviction, and (2) the State presented insufficient *corpus delicti* evidence to admit Contreras’s incriminating statements at trial.

### I. Sufficiency of Evidence

¶15 We review a trial court’s ruling on a Rule 20 motion for judgment of acquittal *de novo*. *State v. West*, 226 Ariz. 559, 562, ¶ 15 (2011).

¶16 “[T]he court must enter a judgment of acquittal on any offense charged . . . if there is no substantial evidence to support a conviction.” Ariz. R. Crim. P. 20(a). “Substantial evidence . . . is such proof that reasonable persons could accept as adequate and sufficient to support a conclusion of defendant’s guilt beyond a reasonable doubt.” *West*, 226 Ariz. at 562, ¶ 16 (quoting *State v. Mathers*, 165 Ariz. 64, 67 (1990)). “[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Id.* (quoting *Mathers*, 165 Ariz. at 66). “Both direct and circumstantial evidence should be considered” to determine whether substantial evidence supports a conviction when reviewing a ruling on a Rule 20 motion. *Id.*

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¶17 The State was required to prove Contreras intentionally or knowingly caused M.A.'s death with premeditation. A.R.S. § 13-1105(A)(1). "Premeditation" requires evidence that Contreras acted "with either the intention or the knowledge that he [would] kill another human being, [and] such intention or knowledge precede[d] the killing by any length of time to permit reflection." A.R.S. § 13-1101(1). But murder is not premeditated "if it is the instant effect of a sudden quarrel or heat of passion." *Id.*

¶18 The record is replete with substantial evidence to support Contreras's conviction. Contreras approached a deputy outside the police station to indicate he shot someone, and directed police to the scene. He also told the Detective in a later interview that he shot M.A. "twice in the back of the head, and once in his ear," from "probably about [a] couple feet away[,] " which the medical examiner later corroborated. Contreras told the Detective that he used a "Bryco 380 semiautomatic" handgun to kill M.A., which matched the gun found on the table at the crime scene. Police found photo and video evidence of Contreras holding that same handgun on Contreras's cell phone.

¶19 Further, A.G. testified that Contreras got upset when she hugged M.A., and that Contreras told her M.A. owed him money. She also testified that Contreras called her as she was walking away from the property, just moments before she heard gunshots, and said he "had a feeling that he was going to hurt someone." This was consistent with Contreras's later interview with the Detective, during which Contreras said that he was angry with M.A. for calling A.G. "a whore[,] " adding that he believed M.A. stole his marijuana. The trial court did not err in denying Contreras's Rule 20 motion.

## II. *Corpus Delicti*

¶20 We review the trial court's ruling on the sufficiency of evidence to establish *corpus delicti* for an abuse of discretion. *State v. Morris*, 215 Ariz. 324, 333, ¶ 33 (2007).

¶21 "The *corpus delicti* doctrine ensures that a defendant's conviction is not based upon an uncorroborated confession or incriminating statement." *Id.* at ¶ 34. It requires the State to show that the victim's injury "was caused by criminal conduct rather than by suicide or accident." *Id.* (quoting *State v. Hall*, 204 Ariz. 442, 453, ¶ 43 (2003)). The State need only establish a reasonable inference of *corpus delicti*, and may do so through circumstantial evidence. *Id.*

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¶22 The record includes evidence, outlined above, to corroborate Contreras’s incriminating statements and show the victim was harmed “by criminal conduct rather than by suicide or accident.” *Morris*, 215 Ariz. at 333, ¶ 34. Contreras’s conviction was not based on “an uncorroborated confession or incriminating statement[.]” and we find no error. *Id.*

CONCLUSION

¶23 We affirm.



AMY M. WOOD • Clerk of the Court  
FILED: AA