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The People of the State of San Andreas, Plaintiff-Appellant,

v.

William A. Cipher, Defendant-Appellee.

No. 25CA3746.

Supreme Court of San Andreas.

January 13, 2026.

Interlocutory Appeal from the District Court Los Santos County District Court Case No. 24CR8550 Honorable Brooke A. Neal, Judge.

Attorneys for Plaintiff-Appellant: Rebecca C. Navarro, Attorney General, State of San Andreas. Jeffrey S. Allen, District Attorney, First Judicial District Paul M. Basnight, Senior Deputy District Attorney Los Santos, San Andreas.

Attorneys for Defendant-Appellee: King Law, PLLC Israel J. King Los Santos, San Andreas.

En Banc.

JUSTICE BENNETT delivered the Opinion of the Court, in which CHIEF JUSTICE MORGAN, JUSTICE CORTEZ, and JUSTICE HERR joined. JUSTICE MIDDLETON delivered the Dissenting Opinion in which JUSTICE SPRINGER and JUSTICE MCDOWELL joined.

OPINION OF THE COURT

BENNETT, Justice.

¶1 This Court reviews questions of statutory interpretation and constitutional application de novo. The task of statutory interpretation is not to rewrite the law but to discern legislative intent from the text, context, and purpose of the statute. In matters of capital punishment, courts are instructed to construe penal statutes narrowly but not so narrowly as to defeat the obvious and necessary aims of the legislature.

¶2 The defendant's principal argument is that S.A.R.S. § 2-11-8 expressly limits eligibility for capital punishment to enumerated crimes—murder, rape, kidnapping, torture, and arson resulting in death—and that the omission of attempted murder from this list demonstrates

legislative intent to exclude it. While this reading emphasizes textual precision, it fails to account for the broader structure and purpose of the statute as enacted.

¶3 The statute defines qualifying felonies as those which, “due to their nature, pose an extreme threat to public safety and human life.” That language cannot be disregarded as mere preface. It establishes a legislative standard—an underlying principle—by which courts may determine eligibility. The enumerated offenses are not exhaustive but illustrative of crimes meeting that standard. The inclusion of the phrase “include, but are not limited to” in the legislative record confirms that the legislature intended flexibility, allowing courts to assess new or unlisted offenses that present the same level of threat.

¶4 Attempted murder, particularly when committed in multiple, deliberate, and premeditated instances, undeniably constitutes such a threat. The defendant’s conduct involved four separate attempts to end human life, each marked by planning, intent, and execution. That no death resulted does not diminish the danger posed to society. The statute was designed to reach not only completed acts of death but those deliberate actions which, by design and execution, endanger multiple lives with lethal intent.

¶5 To exclude attempted murder from the statute’s reach would, paradoxically, create a loophole whereby a defendant who seeks to take life but fails only by circumstance could escape the full scope of punishment envisioned for acts of extreme violence. The legislature could not have intended so arbitrary a distinction. The judiciary’s task, therefore, is not to narrow the statute beyond reason, but to interpret it in a manner faithful to its object: to deter and punish those who pose the gravest danger to public safety and human life.

¶6 The defense further contends that the imposition of the death penalty for attempted murder violates Article II, Section 7 of the San Andreas Constitution, which forbids “cruel and unusual punishments.” While this constitutional safeguard ensures that punishment must be proportional to the crime, proportionality is not measured solely by the outcome of the act, but by the magnitude of the threat, the degree of intent, and the societal harm intended.

¶7 In this case, the defendant engaged in four separate, premeditated attacks with the express intent to kill. The absence of death was not due to remorse, mercy, or restraint, but to the fortuitous failure of his efforts. The moral culpability of a deliberate killer does not evaporate because the victims happened to survive. The legislature, in defining capital punishment for acts posing an “extreme threat to human life,” permissibly considered the societal need to deter individuals who repeatedly attempt to take life.

¶8 This Court has long held that proportionality in punishment does not demand mathematical equivalence between harm caused and punishment imposed. Rather, it requires that punishment not be grossly disproportionate to the gravity of the offense. Given the calculated and repeated nature of Ciper’s conduct, the Court concludes that the sentence imposed is not disproportionate to the seriousness of his crimes.

¶9 The framers of the San Andreas Constitution vested the legislature with authority to define crimes and determine corresponding punishments. The judiciary’s role is limited to ensuring that such punishments are applied in a manner consistent with due process and fairness. The sentence in this case, though severe, comports with those constitutional requirements.

¶10 Finally, the petitioner argues that the appellate court’s interpretation of the statute constitutes judicial legislation in violation of the separation of powers under Article III. This contention misapprehends the role of the judiciary in statutory construction. Interpreting legislative intent and applying broad statutory language to specific cases does not constitute lawmaking. Courts are duty-bound to interpret ambiguous or open-ended statutory language in light of legislative purpose and public policy.

¶11 The legislature’s choice to define qualifying felonies as those “posing an extreme threat to human life” necessarily entrusts the judiciary with determining, in individual cases, which offenses meet that threshold. The Court of Appeals did not amend or expand the statute—it applied its guiding principle to a new factual context. To hold otherwise would strip the courts of their constitutional function and render legislative standards meaningless whenever they lack exhaustive specificity.

¶12 The defendant, William A. Cipher, engaged in four deliberate and premeditated attempts to end human life. His conduct was intentional, recurrent, and demonstrated a total disregard for human safety and the rule of law. Both the District Court and the Court of Appeals properly determined that such conduct falls within the class of offenses for which the legislature has authorized the most severe penalty.

¶13 The question before this Court transcends the narrow reading of statutory words and reaches into the very philosophy of justice and public protection. The defense insists that only the literal language of S.A.R.S. § 2-11-8 governs, and that because “attempted murder” is not explicitly listed among the qualifying felonies, the judiciary must treat the omission as dispositive. However, such a reading would render the statute’s operative clause — the mandate that qualifying crimes include those “which, due to their nature, pose an extreme threat to public safety and human life” — effectively meaningless.

¶14 When the General Assembly enacted Section 2-11-8, it did not draft a closed list of crimes but instead provided a functional test based on threat and intent. The statute’s structure reveals a deliberate legislative choice: to identify categories of crimes so inherently violent, malicious, and destructive of human dignity that they represent the gravest possible affront to public order. The inclusion of the phrase “include, but are not limited to” in the legislative drafting notes demonstrates an intent to grant courts interpretive latitude to apply the statute to offenses that meet the same moral and factual gravity.

¶15 To interpret the statute otherwise — as the petitioner urges — would elevate form over substance. It would reduce the law to a rigid checklist incapable of addressing evolving

manifestations of human cruelty and calculated malice. The defendant's four deliberate attempts to take life satisfy the very essence of the statute's standard: repeated, premeditated acts that, by their nature, threaten public safety and human existence. The law cannot be so literal as to permit one who attempts murder with full intent and preparation, yet fails through no virtue of his own, to escape the ultimate sanction reserved for those who succeed.

¶16 The distinction between completed and attempted murder, while meaningful in certain contexts of sentencing discretion, cannot be controlling in a statute that expressly prioritizes threat to human life. The moral culpability of the would-be murderer is indistinguishable from that of the successful one. As this Court has long held, "The evil of an act lies not merely in its consequence, but in the will that conceived it." The defendant's will was to kill, and his repeated efforts to fulfill that will placed multiple lives at mortal risk. That those victims survived is a fortuity, not an exoneration.

¶17 The defense invokes the constitutional prohibition against cruel and unusual punishment under Article II, Section 7. This provision, a cornerstone of our state's Bill of Rights, protects citizens from punishments that are arbitrary, barbarous, or grossly disproportionate to the offense. Yet proportionality does not require parity between the harm inflicted and the punishment imposed; rather, it requires that punishment be commensurate with the culpability and threat presented by the offender.

¶18 In assessing proportionality, this Court considers three elements: the nature of the offense, the moral blameworthiness of the offender, and the legitimate interests of the State in punishment and deterrence. The crime of multiple attempted murders occupies the highest rung of moral culpability short of actual homicide. The defendant demonstrated sustained premeditation, the use of lethal means, and indifference to the sanctity of life. His intent was not fleeting, nor was it confined to one act; it was serial and calculated.

¶19 In such circumstances, the State's interest in deterrence is paramount. Capital punishment, as provided by law, serves not only to punish the individual but to announce society's categorical condemnation of certain acts that imperil the foundations of civilization itself. To reserve the death penalty only for those who "succeed" in killing, while sparing those who fail by happenstance, would subvert the deterrent and moral purposes of the statute.

¶20 This Court therefore finds that the penalty imposed is not constitutionally excessive. The defendant's punishment reflects both the magnitude of his threat to society and the unrepentant deliberation of his conduct. Punishment, to be just, must weigh not only what was done, but what was intended — and in this case, what was intended was the systematic destruction of human life.

¶21 The petitioner asserts that by affirming the Court of Appeals' interpretation, this Court engages in judicial legislation. To the contrary, the judiciary fulfills its constitutional duty

when it interprets legislative language in light of its overarching purpose. Statutes, especially those concerning matters of life and death, cannot be read in isolation from their declared aims.

¶22 This Court recognizes that its interpretive power carries great weight and must be exercised with restraint. Yet restraint does not mean abdication. The judiciary is not a passive observer of textual rigidity but a living instrument for applying the law to real human conflict. The words “pose an extreme threat to public safety and human life” are not ornamental. They are operative. They direct courts to assess conduct that, while perhaps unlisted, is of equivalent gravity to the enumerated crimes.

¶23 By affirming the inclusion of repeated attempted murders under Section 2-11-8, this Court acts not as a legislator, but as a faithful interpreter of legislative command. The legislature entrusted the courts with discretion to determine when a pattern of conduct crosses from ordinary criminality into a category of capital threat. It is our solemn duty to exercise that discretion within the framework of reason, precedent, and justice — precisely as the lower courts did here.

¶24 Justice, in its truest form, is not an exercise in vengeance but in preservation. The community entrusts its courts with the grave task of upholding the balance between compassion and condemnation. When a person deliberately attempts to extinguish multiple lives, acting with clear purpose, he places himself outside the social contract that safeguards all others.

¶25 Punishment, therefore, serves two essential functions: to safeguard the community by removing those who would destroy it, and to reaffirm the moral boundary between life and lawlessness. The sentence in this case accomplishes both aims. It communicates to the public that the deliberate intent to kill — multiplied across victims and occasions — is no less abhorrent than the act itself. The failure of death to occur by chance does not diminish the enormity of the crime; it merely spares the State the tragic duty of mourning additional victims.

¶26 The law must not measure justice by fortune but by willful conduct. A society that punishes only results rather than deliberate evil risks trivializing intent — and with it, the moral order upon which justice depends. By affirming the application of the capital statute to repeated, premeditated attempts on human life, this Court defends that order and upholds the legislature’s determination that such conduct falls within the most dangerous class of crimes.

¶27 This Court does not approach the death penalty lightly. The authority to take life in the name of law is the most solemn and sobering power a state may possess. It demands certainty of guilt, clarity of statute, and conscience in judgment. Yet when those requirements are met, and the crime committed embodies the most deliberate form of evil

recognized by society, the State may rightfully impose the severest punishment it has reserved.

¶28 The law of San Andreas does not distinguish moral worth by accident of failure. It punishes the danger, the deliberation, and the conscious choice to violate the sanctity of human life. The defendant, William A. Cipher, stands before the law as one who sought to destroy others with calculated resolve. His sentence is the law's response to that resolve — measured not in cruelty, but in the solemn fulfillment of justice.

¶29 We hold that the interpretation of S.A.R.S. § 2-11-8 by the Court of Appeals is consistent with legislative intent, does not contravene the Constitution of the State of San Andreas, and is supported by the facts of this case. The sentence imposed is not cruel, unusual, or disproportionate when measured against the magnitude of the defendant's acts and the danger he poses to society.

¶30 Accordingly, this Court affirms the constitutionality of S.A.R.S. § 2-11-8 as applied in this case, and reaffirms that crimes which manifest an intent to destroy life on a scale of deliberate repetition fall within its mandate. The judgment and sentence of the Los Santos County District Court, as affirmed by the Court of Appeals, are hereby sustained.

I. Facts and Procedural History

¶31 The case of *People v. Cipher* originated in Los Santos County, State of San Andreas, and concerns the criminal prosecution of the defendant, William A. Cipher, for multiple counts of attempted murder. The events giving rise to the case occurred between January and March of 2024, during which time Cipher was accused of carrying out a series of coordinated and deliberate attacks on several individuals. The prosecution alleged that Cipher acted with premeditation and intent to kill, targeting four separate victims in distinct but related incidents. All four victims survived, though each sustained significant injuries as a result of the attacks.

¶32 Following a lengthy investigation conducted by the Los Santos County Sheriff's Office and the District Attorney's Office, Cipher was charged with four counts of attempted murder, classified as Class A felonies under S.A.R.S. § 2.01.04. The case proceeded to trial in the Los Santos County District Court, where Judge Brooke Neal presided. The prosecution was led by Jeffrey Allen, representing the People of the State of San Andreas, while the defense was represented by Israel Joshua King of King & Associates, LLP.

¶33 The trial commenced in the summer of 2024. Over several days, the prosecution presented physical evidence, forensic analysis, and witness testimony linking Cipher to the four incidents. The evidence included ballistic reports, recovered weapons, and surveillance footage allegedly showing Cipher at or near the scenes of the attacks. Multiple eyewitnesses testified that Cipher had expressed intent to kill the victims, and the State

argued that his conduct demonstrated a clear pattern of deliberate, premeditated attempts on human life. The defense did not dispute that the assaults had occurred but challenged the assertion that Cipher's actions met the statutory definition of attempted murder, arguing that no fatal injuries were inflicted and that the evidence of intent was circumstantial.

¶34 After deliberation, the jury returned a verdict of guilty on all four counts of attempted murder. On August 23, 2024, Judge Neal sentenced Cipher to 160 years of imprisonment in the San Andreas State Penitentiary and ordered him to pay \$300,000 in fines. The judgment also set an execution date of August 23, 2044, twenty years from the date of sentencing. The court entered its judgment under the authority of S.A.R.S. § 2.11.8 (Eligibility for Capital Punishment), finding that Cipher's conduct, consisting of multiple premeditated acts of violence, met the criteria for capital punishment.

¶35 The sentencing order was filed as Case No. 2024CR8550, and in accordance with state law, the matter was reviewed on appeal by the San Andreas Court of Appeals. That court, sitting in Los Santos, was presided over by Judge Gregory A. Werner, who reviewed the complete trial record, including the transcripts, evidentiary rulings, and sentencing documents. On November 11, 2025, the Court of Appeals issued its decision, affirming the eligibility for the death penalty but vacated the 160 year sentence, and replaced it with life in prison. The appellate opinion concluded that all trial procedures and evidentiary standards had been properly followed, that the defendant's rights had been fully observed, and that the sentence was consistent with statutory authority.

¶36 Following the appellate decision, defense counsel Israel J. King filed a petition for a writ of certiorari to the Supreme Court of San Andreas on November 12, 2025, seeking review of the appellate court's affirmation. The petition asserted that the sentence imposed by the District Court was unlawful under existing statute and that the appellate court had erred in its interpretation of the law governing capital punishment. The petition further challenged the inclusion of attempted murder as a qualifying felony under the capital punishment statute, arguing that it did not appear in the list of eligible crimes established by S.A.R.S. § 2.11.8.

¶37 The petition for certiorari was accepted by the Supreme Court, placing the matter formally before the state's highest tribunal for review. The record transmitted to the Supreme Court included the full District Court judgment, the appellate ruling, the original sentencing order, and the relevant constitutional and statutory provisions cited by both sides. At the time the petition was granted, Cipher remained incarcerated at the San Andreas State Penitentiary under sentence of death, pending the outcome of the Supreme Court's review.

II. The Attempt Statute

¶38 Under S.A.R.S. § 2.11.2, an individual is guilty of Attempting to Commit a Crime when, acting with the specific intent to commit a particular criminal offense, the individual engages

in an overt act constituting a substantial step toward completion of that offense. The statute requires conduct beyond mere preparation and mandates that the act itself corroborate the actor's criminal intent. A charge of attempt applies where the crime is not completed, whether because the intended result was not achieved or because the actor was prevented or interrupted before completion.

¶39 The statute further provides that an attempt is punishable in the same manner as the completed offense. The success or failure of the criminal act is legally irrelevant to punishment; liability and penalty are predicated on the defendant's intent and the substantial step taken toward completion rather than the final outcome of the conduct. Accordingly, the legislature has determined that the culpability of an individual who attempts a crime is equivalent, for purposes of punishment, to that of one who successfully completes it.

¶40 The statute applies broadly to both felonies and misdemeanors and distinguishes attempt from conspiracy by focusing on the defendant's direct actions toward committing the offense rather than an agreement between multiple parties. The statute also recognizes voluntary abandonment as an affirmative defense where a defendant completely and voluntarily renounces criminal intent, provided the abandonment is not motivated by fear of apprehension or changed circumstances making completion more difficult.

¶41 In *People v. Cipher*, this statutory framework is central to the Court's analysis. Because the legislature has expressly declared that attempt and completion carry identical punishment and that success is legally irrelevant to culpability, the Court considers the defendant's intent and substantial steps toward taking human life—not the absence of death—as the controlling factors in determining the gravity of the offense and its eligibility under related statutory provisions.

III. The Capital Punishment Statute

¶42 S.A.R.S. § 2.11.8 establishes eligibility for capital punishment where a defendant is found guilty of three or more separate serious felonies that, by their nature, pose an extreme threat to public safety and human life. The statute provides that qualifying felonies include, but are not limited to, first-degree murder committed with premeditation, rape, kidnapping, torture, and arson resulting in death. The prosecution must prove beyond a reasonable doubt that the defendant committed at least three such qualifying felonies.

¶43 The statute further requires that the qualifying offenses occur within a continuous period not exceeding one year from the date of the first qualifying offense to the date of the last. Each offense must constitute a distinct and separate criminal act, though prior convictions are not required, and eligibility may be established through findings of guilt arising from a single trial or multiple proceedings, provided the statutory timing requirement is satisfied.

¶44 Upon a finding that a defendant meets these criteria, the statute renders the defendant eligible for the death penalty. If capital punishment is imposed, the execution date is set for twenty years from the date of sentencing, subject to completion of all appellate and post-conviction review processes prior to the final scheduling of execution.

¶45 In *People v. Cipher*, the Court’s analysis centers on whether attempted murder falls within the category of qualifying felonies contemplated by § 2.11.8. Because the statute defines eligibility primarily by the nature of the offense—namely, whether it poses an extreme threat to public safety and human life—the Court considers both the statutory language and its relationship to other provisions of the penal code, including the attempt statute, in determining whether repeated, deliberate attempts to take human life satisfy the legislative standard for capital eligibility.

IV. Conclusion

¶46 For the foregoing reasons, we conclude that the interpretation of S.A.R.S. § 2.11.8 adopted by the Court of Appeals is consistent with the text, structure, and purpose of the statute and does not violate the Constitution of the State of San Andreas. The legislature has determined that crimes posing an extreme threat to human life warrant the most severe punishment authorized by law, and the judiciary’s role is to apply that determination faithfully within constitutional bounds. The defendant’s conduct, consisting of multiple deliberate and premeditated attempts to take human life, falls within the class of offenses contemplated by the statute. Accordingly, the judgment of the Court of Appeals is affirmed, and the sentence imposed by the district court, as modified on appeal, is sustained.

OPINION (CONCURRING)

MORGAN, Justice.

¶47 This case arises from four convictions for attempted murder committed on the same day against four separate victims. Following those convictions, the defendant was adjudged eligible for capital punishment pursuant to S.A.R.S. § 2.11.8. The Court of Appeals affirmed that determination and modified the defendant’s sentence to life imprisonment without the possibility of parole, while preserving capital eligibility under the statute.

¶48 The first question concerns statutory interpretation. Specifically, we are asked whether the Court of Appeals erred in concluding that attempted murder constitutes a “qualifying felony” for purposes of capital eligibility under S.A.R.S. § 2.11.8.

¶49 In my view, it did not.

¶50 Section 2.11.8 establishes capital eligibility for individuals convicted of three or more “qualifying felonies” that, by their nature, pose an extreme threat to public safety and human life. The statute then provides a list of offenses—such as murder, rape, kidnapping, torture, and arson resulting in death—that “include, but are not limited to” qualifying felonies. The structure of the statute makes clear that the enumerated offenses are illustrative rather than exhaustive.

¶51 The operative criterion is not enumeration but nature: whether the felony, by its inherent character, poses an extreme threat to human life. Attempted murder squarely satisfies that standard. Indeed, few crimes present a more direct, immediate, and deliberate threat to human life than a completed attempt to take it.

¶52 This conclusion is reinforced by the broader statutory scheme. Under S.A.R.S. § 2.11.2, an attempt to commit a crime is punished identically to the completed offense. The Legislature has expressly declared that success or failure is legally irrelevant to punishment; culpability turns on intent and the taking of a substantial step toward completion. When these provisions are read together, they reflect a coherent legislative judgment that moral blameworthiness does not hinge on fortuity.

¶53 To hold otherwise would require the Court to treat attempted murder as categorically distinct from murder for purposes of capital eligibility, despite a statutory command that attempt and completion receive identical punishment. Nothing in the text or structure of the code supports such a distinction.

¶54 The Court of Appeals therefore did not “add” attempted murder to the statute. It applied the statutory standard enacted by the Legislature to conduct that unmistakably satisfies it. That is interpretation, not legislation.

¶55 The second question asks whether the imposition of the death penalty for attempted murder violates Article II, Section 7 of the San Andreas Constitution, which prohibits cruel and unusual punishment.

¶56 This question is not without difficulty. The constitutional prohibition is phrased in broad terms and necessarily invites moral judgment. Reasonable minds may differ as to where constitutional limits lie.

¶57 Nevertheless, I cannot conclude that the punishment at issue here is unconstitutional.

¶58 The defendant committed four separate attempted murders, each involving a distinct victim, each undertaken with the specific intent to kill. These were not impulsive acts or marginal attempts. They were deliberate, calculated efforts to end human life. That none of the victims died is a matter of chance or intervention, not restraint or abandonment.

¶59 The Constitution does not require the State to elevate fortuity over intent. Nor does it compel the State to treat survival by chance as a mitigating constitutional fact. Where the

Legislature has determined that attempt and completion warrant identical punishment, and where the defendant's conduct demonstrates extraordinary danger and depravity, the imposition of the ultimate penalty does not exceed constitutional bounds.

¶60 Article II, Section 7 forbids punishments that are barbaric, arbitrary, or grossly disproportionate. A death sentence imposed after multiple intentional attempts to kill does not meet that description. Indeed, the only conduct in this case that may fairly be described as cruel and unusual is the defendant's own.

¶61 The third question asks whether the Court of Appeals engaged in judicial legislation in violation of Article III of the San Andreas Constitution.

¶62 It did not.

¶63 Article III establishes a separation of powers among the legislative, executive, and judicial departments. The Legislature enacts law; the Judiciary interprets and applies it. That interpretive authority necessarily includes applying statutory standards to particular cases, even where the statute employs general or open-ended language.

¶64 Here, the Legislature chose to define capital eligibility by reference to the nature of the offense rather than by rigid enumeration. The Court of Appeals respected that choice. It did not create a new rule of law; it applied the rule the Legislature enacted.

¶65 To hold otherwise would improperly narrow the judicial role and transform every instance of interpretive judgment into a separation-of-powers violation. Article III forbids courts from making law, not from interpreting it. The distinction matters.

¶66 The Court of Appeals remained on the interpretive side of that line.

¶67 This holding is expressly limited to the crime of attempted murder and to no other offense. Nothing in this opinion should be read to authorize, invite, or permit the imposition of the death penalty for crimes not enumerated in S.A.R.S. § 2.11.8 or for offenses that do not share the defining characteristics present here: a specific intent to kill, a substantial step toward the taking of human life, and conduct that directly and immediately threatens death.

¶68 Crimes such as armed robbery, burglary, assault, or other violent felonies—however serious—are categorically distinct and raise different moral and constitutional considerations. Attempted murder occupies a unique position in the criminal law. It is the sole offense in which the defendant has formed the intent to take human life and has acted on that intent in a concrete and dangerous manner, with failure attributable not to renunciation but to chance.

¶69 By limiting this holding accordingly, the Court preserves the Legislature's exclusive authority to define capital crimes while ensuring that judicial interpretation does not devolve into judicial expansion.

¶70 For the foregoing reasons, I would affirm the judgment of the Court of Appeals in all respects.