

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-12-0359-AP

STATE OF ARIZONA v SHAWN PATRICK LYNCH

Appellate Case Information

Case Filed: 27-Aug-2012 Archive on: 30-Nov-2016 (done)
Case Closed: 30-Nov-2015
Reinstated x 1: 27-Jun-2016
Re-Closed:

Dept/Composition

En Banc
Hon. Scott Bales
Hon. John Pelander
Hon. Robert M. Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick

Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Mark Brnovich, Esq. (AZ Bar No. 14134)
Kent E Cattani, Esq. (AZ Bar No. 10806)
John R Lopez, IV, Esq. (AZ Bar No. 19182)
Jeffrey A Zick, Esq. (AZ Bar No. 18712)
Lacey Stover Gard, Esq. (AZ Bar No. 22714)
Jeffrey L Sparks, Esq. (AZ Bar No. 27536)

Side 2. SHAWN PATRICK LYNCH, Appellant
(Litigant Group) SHAWN PATRICK LYNCH

- Shawn Patrick Lynch

Attorneys for: Appellant

Lawrence H Blieden, Esq. (AZ Bar No. 9027)
Joel T Brown, Esq. (AZ Bar No. 7173)
Tennie B Martin, Esq. (AZ Bar No. 16257)
Mikel Steinfeld, Esq. (AZ Bar No. 24996)

Side 3. ARIZONA CAPITAL REPRESENTATION PROJECT, Amicus Curiae
(Litigant Group) ARIZONA CAPITAL REPRESENTATION PROJECT

- Arizona Capital Representation Project

Attorneys for: Amicus Curiae

Amy Armstrong, Esq. (AZ Bar No. 22795)

Side 4. ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE, Amicus Curiae
(Litigant Group) ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice

Attorneys for: Amicus Curiae

David J Euchner, Esq. (AZ Bar No. 21768)

CASE STATUS

Dec 6, 2016.....Submitted	Oct 18, 2016.....Oral Argument Granted
Sep 30, 2016....At Issue	Jun 27, 2016.....Reinstated Case
Jun 27, 2016....Pending	

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2001-092032	First Degree Murder	Death	Karen L O'Connor, Sentencing	JURY	

CASE DECISION

10-Sep-2015 OPINION

For the reasons stated, we affirm Lynch's death sentence.

Filed: **10-Sep-2015** Mandate:

Robert Brutinel.....Author
Scott Bales.....Concur
John Pelander.....Concur
Rebecca Berch.....Concur
Ann Timmer.....Concur

Decision Disposition
Sentence Affirmed

CITE Arizona Reports: 721 Ariz 4
CITE Arizona Reports: 723 Ariz 4

145 PROCEEDING ENTRIES

1. 27-Aug-2012 FILED: Notice of Appeal (Clerk, MCSC) (Judgment filed in MCSC 8/17/2012)

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2. 6-Sep-2012 FILED: Reporter's Transcript - 8/16/12 - Jury Verdict - (Cindy Benner)
3. 13-Sep-2012 FILED: Reporter's Transcript - 11/8/02 - Status Conference (Jennifer J. Stadler)
4. 19-Sep-2012 FILED: Reporter's Transcript - 10/18/2005 - Trial Management Conference (Jane Anne Westlund)
5. 26-Sep-2012 FILED: Reporter's Transcript - 7/12/12 - Trial - Day 4 (Lori Fraley)
6. 25-Sep-2012 FILED: First Motion for Extension of Time to File Transcripts (Lori Fraley)
7. 26-Sep-2012 FILED: Reporter's Transcript - 7/16/12 - Trial - Day 5 (Lori Fraley)
8. 28-Sep-2012 Lori Fraley, Official Court Reporter, having filed a "First Motion for Extension of Time to File Transcripts",

IT IS ORDERED granting Lori Fraley, Official Court Reporter, a first extension of time to and including October 31, 2012, in which to file Reporter's Transcripts in the above-entitled matter.
(Janet Johnson, Clerk)
9. 28-Sep-2012 FILED: Record on Appeal - MCSC: Instruments and MEs - Electronic; (Copy of GJ RT 4/6/01, Cindy Potter)

NOT SCANNED:
Box 1 of 5

PLTF EXHIBITS: List; No's 172 -174, 180 -183, 185, 220-226, 214, 215, 238, 255 - 258, 283- 285, 292, 296, 302, 307, 335, 337, 347, 351, 358-360, 485 - 488 (in plastic bags); 409-416 (14x11 black and white photos);

Envelopes: 171, 179, 186, 206, 208, 216, 219, 254, 259, 356

VHS Cassettes: 166, 167, 168

CD's: 540 - 542, 555-561

Oversized White Chart paper: 363, 450, 451

DEF EXHIBITS:

VHS Cassettes: 424, 456

CD's: 430, 523, 609

DEF EXHIBITS: 425-429, 443 (binder), 527, 528

SCANNED:

6 SEALED Envelope #1: CHS Report
Envelope #2: Letter, Memo, Copy of Surgical Pathology Report and copy of appointment schedule of Juror No. 17
Envelope #3: Medical Reports dated 7/13/04, 9/16/04
Envelope #4: Medical Report dates 9/16/04
Envelope #5: Medical Reports dated 4/1/04, 4/16/04
Envelope #6: Original Psychological Pre-Evaluation

Box 2 of 5

PLTF EXHIBITS: List; No's 4-150, 151-165 (small photos), 169, 170, 175-178, 189, 200, 207, 209 - 213, 228, 234, 237, 249, 260-262, 264-282, 288, 297, 299, 303-306, 308-318, 320, 321, 324, 325, 327, 330-332, 334, 338-341, 348, 352, 354, 355, 362, 364, 365, 366-368 (small photos), 369, 370-377, 378-408, 417, 418-419 (small photos), 420, 422, 423 (small photos), 431-442, 445-446 (small photos), 447, 448 (small photo) 449, 453, 457-461, 533, 534, 536, 537, 544, 545, 553, 573-579, 582, 584, 585, 587, 588, 590, 591, 594

DEF EXHIBIT: No's 421, 452, 454, 455, 462, 524-526, 529-531, 546-550, 552, 595, 599-608

COURT EXHIBITS: No. 598

3 Boxes Containing SEALED Jury Questionnaires

(5 BOXES IN EVIDENCE ROOM)
10. 3-Oct-2012 FILED: Reporter's Transcript - 6/26/12 - Trial - Day - 1 (Lori Fraley)
11. 3-Oct-2012 FILED: Reporter's Transcript - 7/11/12 - Trial - Day 3 (Lori Fraley)
12. 5-Oct-2012 FILED: Reporter's Transcript - 6/5/01 - Pretrial Conference - (Melinda S. Setterman)

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13.	5-Oct-2012	FILED: Reporter's Transcript - 8/30/01 - Status Conference - (Melinda S. Setterman)
14.	5-Oct-2012	FILED: Reporter's Transcript - 11/1/01 - Status Conference - (Melinda S. Setterman)
15.	5-Oct-2012	FILED: Reporter's Transcript - 1/07/02 - Status Conference - (Melinda S. Setterman)
16.	5-Oct-2012	FILED: Reporter's Transcript - 7/19/12 - Trial - (Marylynn LeMoine)
17.	9-Oct-2012	FILED: Reporter's Transcript - 8/23/10 - Pretrial Conference (Lori Fraley)
18.	9-Oct-2012	FILED: Reporter's Transcript - 10/19/10 - Pretrial Conference (Lori Fraley)
19.	9-Oct-2012	FILED: Reporter's Transcript - 3/10/11 - Pretrial Conference (Lori Fraley)
20.	9-Oct-2012	FILED: Reporter's Transcript - 5/18/11 - Pretrial Conference (Lori Fraley)
21.	9-Oct-2012	FILED: Reporter's Transcript - 6/29/11 - Pretrial Conference (Lori Fraley)
22.	9-Oct-2012	FILED: Reporter's Transcript - 8/8/11 - Pretrial Conference (Lori Fraley)
23.	9-Oct-2012	FILED: Reporter's Transcript - 3/7/12 - Pretrial Conference (Lori Fraley)
24.	9-Oct-2012	FILED: Reporter's Transcript - 5/24/12 - Pretrial Conference (Lori Fraley)
25.	12-Oct-2012	FILED: Reporter's Transcript - 8/9/12 - Trial (Helene Paustian)
26.	15-Oct-2012	FILED: Reporter's Transcript - 8/9/12 - Trial (Helene Paustian) (Duplicate)
27.	18-Oct-2012	FILED: Reporter's Transcript - 7/10/12 - Trial - Day 2 (Lori Fraley)
28.	18-Oct-2012	FILED: Reporter's Transcript - 11/18/2010 (Donald E. Moll)
29.	18-Oct-2012	FILED: Reporter's Transcript - 2/2/2011 (Donald E. Moll)
30.	19-Oct-2012	FILED: (First) Motion for Extension of Time to File Transcripts (Janell Rose, Court Reporter)
31.	24-Oct-2012	Janell Rose, Official Court Reporter, having filed a first request for extension of time to file transcripts, IT IS ORDERED granting Janell Rose, Official Court Reporter, a first extension of time to and including November 26, 2012, in which to file Reporter's Transcripts in the above-entitled matter. No further extensions will be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
32.	24-Oct-2012	FILED: Supplemental Record on Appeal - MCSC: Duplicate Original RT HD 7/19/12; Appeals Index - EROA; ASC Receipt - EROA; ASC Exhibit Receipt
33.	26-Oct-2012	FILED: Reporter's Transcript - 7/18/12 (Lori Fraley)
34.	26-Oct-2012	FILED: Reporter's Transcript - 7/19/12 (Lori Fraley)
35.	1-Nov-2012	FILED: Second Motion for Extension of Time to File Transcripts (Lori Fraley, Court Reporter)
36.	1-Nov-2012	FILED: Second Motion for Extension of Time to File Transcripts (Lori Fraley, Court Reporter) (Duplicate filing)
37.	1-Nov-2012	FILED: Reporter's Transcript - 7/24/12 - Jury Trial - Day 10 (Lori Fraley)
38.	5-Nov-2012	Upon considering the Second Motion for Extension of Time to File Transcripts filed by Lori Fraley, IT IS ORDERED that the motion is granted. The remaining transcripts shall be filed no later than December 3, 2012. (Hon. A. John Pelander)
39.	13-Nov-2012	FILED: Reporter's Transcript - 7/17/12 - Jury Trial - Day 6 (Lori Fraley)
40.	15-Nov-2012	FILED: Reporter's Transcript - 07/23/2012 - Jury Trial - Day 9 (Lori Fraley)
41.	15-Nov-2012	FILED: Reporter's Transcript - 08/06/2012 - Jury Trial - Day 12 (Lori Fraley)
42.	20-Nov-2012	FILED: Reporter's Transcript - 7/25/12 - Jury Trial - Day 11 (Lori Fraley)
43.	4-Dec-2012	FILED: Reporter's Transcript - 8/8/12 - Jury Trial - Day 14 (Lori Fraley)

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44. 5-Dec-2012 FILED: Reporter's Transcript - 8/7/12 - Jury Trial - Day 13 (Lori Fraley)
45. 14-Dec-2012 FILED: Reporter's Transcript - 4/19/12 - Capital Case Resolution Management Conference (Ken Crenshaw)
46. 14-Dec-2012 FILED: Reporter's Transcript - 4/6/12 - Jury Trial (Janell Rose)
47. 14-Dec-2012 FILED: Reporter's Transcript - 7/26/12 - Jury Trial (Janell Rose)
- RECORD COMPLETE
48. 7-Jan-2013 The Clerk of the Court has determined that the record on appeal is complete. Therefore,

IT IS ORDERED that Appellant's Opening Brief shall be filed no later than April 8, 2013. The Answering Brief shall be filed no later than sixty (60) days after service of the Opening Brief. The Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief. (Hon. Scott Bales)
49. 15-Feb-2013 FILED: Notice of Appearance (Counsel M. Steinfeld); Certificate of Service (Appellant Lynch)
50. 15-Feb-2013 FILED: Notice of Appeal and AZ Supreme Court Order Dated 1/7/13 (Appellant Lynch)
51. 8-Apr-2013 FILED: Motion to Remand to Trial Court for Reconstruction of the Record and Supplement the Record - and - MOTION to Extend Time to File the Opening Brief until Supplement or Reconstruction is Complete; Certificate of Service (Appellant Lynch)
52. 17-Apr-2013 FILED: Response to Motion to Remand to Trial Court for Reconstruction of the Record and Supplement the Record and Motion to Extend Time to File the Opening Brief Until Supplement or Reconstruction is Complete; Certificate of Service (Appellee State)
53. 23-Apr-2013 Appellant Lynch has filed a Motion to Remand to Trial Court for Reconstruction of the Record and Supplement the Record and Motion to Extend Time to File the Opening Brief. The State has filed a Response stating that it does not object. Upon considering the motions,

IT IS ORDERED remanding this matter to the Maricopa County Superior Court pursuant to Rule 31.8(f)-(g), Ariz. R. Crim. P., to reconstruct the record regarding discussions during the following unrecorded status and bench conferences:
1. Status conference on June 13, 2012. The minute entry states "Discussion is held in chambers." □
 2. Bench conference on June 26, 2012. The transcript states "a short discussion was held off the record." RT 6/26/12 at 82.
 3. Discussion off the record on August 8, 2012. The transcript indicates a discussion was held off the record. RT 8/8/12 at 131.
- IT IS FURTHER ORDERED that pursuant to Rule 31.8(h) the superior court shall clarify the record as to the following subjects:
1. During the proceedings on July 25, 2012, the defense objected to two witness questions submitted by the jury. The record does not indicate which two questions those were. RT 7/25/12 at 121-23.
 2. During the proceedings on August 8, 2012, the parties objected to two jury instructions. The record does not indicate which two jury instructions those were. RT 8/8/12 at 136.
- The superior court may modify the time limits stated in Rule 31.8(f)-(h), however, the reconstruction and clarification shall be completed and included in the record on appeal no later than June 26, 2013. Appellant shall provide the superior court with copies of his motion filed in this Court and the relevant transcripts.
- IT IS FURTHER ORDERED that the following documents shall be included in the record on appeal as noted:
1. The transcript of the change of plea and sentencing proceedings for co-defendant Michael Sehwni on April 11, 2008, was filed in Appellant's prior appeal. The Clerk of this Court shall transfer a copy to the record in this appeal.
 2. The Jury Questionnaires (sealed) have already been delivered to this Court with the record on appeal.
 3. The "Biographical Information" forms completed by the jurors for the penalty phase trial in 2012 in this case shall be included in the record under seal, if Appellant can locate originals or copies in the possession of the Jury Commissioner or trial counsel.
 4. The Random Jury List is already included in the record on appeal as index items 715 through 718.
- IT IS FURTHER ORDERED granting an extension for filing the opening brief, which shall be filed no later than July 26, 2013. □ (Hon Ann A. Scott Timmer)
54. 7-Jun-2013 FILED: Notice of Status on Remand to Trial Court for Reconstruction of the Record and REQUEST for Additional time and MOTION to Extend Time until the Record is Reconstructed; Certificate of Service (Appellant Lynch)

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55. 11-Jun-2013 Upon considering Appellant's Request for Additional Time and Motion to Extend Time Until the Record is Reconstructed, IT IS ORDERED that the motion is granted. The reconstruction and clarification shall be completed and included in the record on appeal no later than July 26, 2013.
IT IS FURTHER ORDERED that the opening brief shall be filed no later than August 26, 2013. (Hon. John Pelander)
56. 18-Jul-2013 FILED: Notice of Status on Remand to Trial Court for Reconstruction of the Record and REQUEST for Additional time and MOTION to Extend Time until the Record is Reconstructed; Certificate of Service (Appellant Lynch)
57. 19-Jul-2013 Upon considering Appellant's Request for Additional Time and Motion to Extend Time Until the Record is Reconstructed, IT IS ORDERED that the motion is granted. The reconstruction and clarification shall be completed and included in the record on appeal no later than August 9, 2013.
IT IS FURTHER ORDERED that the opening brief shall be filed no later than September 9, 2013. (Hon. Robert M Brutinel)
58. 4-Sep-2013 The superior court having completed reconstruction of the record, IT IS ORDERED that no later than September 27, 2013, the Clerk of the Maricopa County Superior Court shall supplement the record on appeal with all minute entries and other documents filed on or after April 24, 2013.
IT FURTHER ORDERED that no later than September 27, 2013, court reporter Lori Fraley shall file transcripts of the following proceedings: June 14, 2013 and July 24, 2013. (Hon. John Pelander)
59. 9-Sep-2013 FILED: Motion to Supplement and Extend Time to File the Opening Brief; Certificate of Service (Appellant Lynch)
60. 12-Sep-2013 Upon considering Appellant's Motion to Supplement and Extend Time to File the Opening Brief, IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than January 3, 2014.
IT IS FURTHER ORDERED that no later than October 2, 2013, Court Reporter Lori Fraley shall file transcripts of the following portions of FTR recordings: (1) June 26, 2012, FTR time frame 11:07:55 to 11:09:49; and (2) August 8, 2012, FTR time frame 2:27:20 to 2:37:41. The transcripts shall be filed in this Court and copies sent to counsel. (Hon. Scott Bales)
61. 12-Sep-2013 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Original CDs in file pocket) (MCSC)
62. 20-Sep-2013 FILED: Reporter's Transcript - 6/14/13 - Hearing (Lori Fraley)
63. 20-Sep-2013 FILED: Reporter's Transcript - 7/24/13 - Hearing (Lori Fraley)
64. 1-Oct-2013 FILED: Reporter's Transcript - 6/26/12 - Bench Conference (Off-Record, Transcribed from FTR) (Lori Fraley)
65. 1-Oct-2013 FILED: Reporter's Transcript - 8/8/12 - Jury Trial (Off-Record, Transcribed from FTR) (Lori Fraley)
66. 3-Jan-2014 FILED: (Second) Unopposed Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant Lynch)
67. 3-Jan-2014 FILED: Unopposed Motion to Supplement the Record on Appeal; Certificate of Service (Appellant Lynch)
68. 6-Jan-2014 Upon considering Appellant Lynch's second Unopposed Motion to Extend Time to File the Opening Brief, IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than March 3, 2014. (Hon. Scott Bales)
69. 6-Jan-2014 Upon considering Appellant Lynch's Unopposed Motion to Supplement the Record on Appeal, IT IS ORDERED that the motion is granted. The record and transcripts from the prior appeal, CR-06-0220-AP, shall be included in the record on appeal.
(Hon. Scott Bales)
70. 28-Feb-2014 FILED: (Third) Unopposed Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant Lynch)
71. 3-Mar-2014 Upon considering Appellant's third Unopposed Motion to Extend Time to File the Opening Brief, IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than May 2, 2014.
(Hon. Robert M. Brutinel)
72. 2-May-2014 FILED: (Fourth) Unopposed Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant Lynch)

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73. 5-May-2014 Upon considering Appellant's fourth Unopposed Motion to Extend Time to File the Opening Brief,
IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than June 9, 2014. No further extensions will be granted absent extraordinary circumstances. (Hon. Scott Bales)
74. 5-Jun-2014 FILED: (Fifth) Unopposed Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant Lynch)
75. 6-Jun-2014 Upon considering Appellant's Unopposed Motion to Extend Time to File the Opening Brief,
IT IS ORDERED granting Appellant a final extension to and including June 23, 2014 to file the opening brief. (Hon. John Pelander)
76. 24-Jun-2014 FILED: (STRICKEN, Per Order filed 7/7/2014) Appellant's Opening Brief; Appellant's Certificate of Service; Appellants Certificate of Compliance with Rule 31.13(f), ARCP (Appellant Lynch)
77. 24-Jun-2014 FILED: Motion for Expansion of Word Count Limitation (Capital Case) (46,378 Word Opening Brief Filed); Certificate of Service (Appellant Lynch)
78. 26-Jun-2014 FILED: Response to Motion for Expansion of Word Count; Certificate of Service (Appellee State)
79. 7-Jul-2014 Upon considering Appellant's Motion for Expansion of Word Count Limitation,
IT IS ORDERED that the motion is denied in part. The Clerk of this Court shall strike the opening brief containing 46,378 words.
IT IS FURTHER ORDERED that no later than July 18, 2014, Appellant shall file an opening brief which does not exceed 36,000 words. (Hon. Robert M. Brutinel)
80. 18-Jul-2014 FILED: Appellant's Opening Brief; Appellant's Certificate of Service; Appellant's Certificate of Compliance (Appellant Lynch)
81. 31-Jul-2014 FILED: Motion to Supplement the Opening Brief (Supplement Included); Certificate of Service (Appellant Lynch)
82. 26-Aug-2014 ORDERED: Motion to Supplement the Opening Brief = GRANTED.
83. 16-Sep-2014 FILED: Appellee's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee State)
84. 10-Oct-2014 FILED: (First) Unopposed Motion to Extend Time to File the Reply Brief; Certificate of Service (Appellant Lynch)
85. 17-Oct-2014 An "Unopposed Motion to Extend Time to File the Reply Brief" (Appellant Lynch) having been filed on October 10, 2014,
IT IS ORDERED granting a first extension of time to file the Reply Brief on or before December 1, 2014. (Janet Johnson, Clerk)
86. 1-Dec-2014 FILED: (Second) Unopposed Motion to Extend Time to File the Reply Brief; Certificate of Service (Appellant Lynch)
87. 2-Dec-2014 Upon considering Appellant's second Unopposed Motion to Extend Time to File the Reply Brief,
IT IS ORDERED that the motion is granted. The Reply Brief shall be filed no later than January 16, 2015. No further extensions will be granted absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)
88. 16-Jan-2015 FILED: (Third) Unopposed Motion to Extend Time to File the Reply Brief; Certificate of Service (Appellant Lynch)
89. 20-Jan-2015 An "Unopposed Motion to Extend Time to File the Reply Brief" (Appellant Lynch) having been filed on January 16, 2015,
IT IS ORDERED granting a third extension of time to file the Reply Brief on or before February 6, 2015. No further extensions of time shall be granted. (Hon. Rebecca White Berch)
90. 6-Feb-2015 FILED: (STRICKEN per ASC Order dated 2/11/2015) Appellant's Reply Brief; Certificate of Service; Certificate of Compliance (Appellant Lynch)
91. 6-Feb-2015 FILED: Appellant's Appendices to Reply Brief; Certificate of Service (Appellant Lynch)
92. 6-Feb-2015 FILED: (STRICKEN per ASC Order dated 2/11/2015) Motion for Expansion of Word Count Limitation (Capital Case) (19,627 Word Reply Brief Filed); Certificate of Service (Appellant Lynch)

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93. 11-Feb-2015 Upon considering Appellant's Motion for Expansion of Word Count Limitation,
IT IS ORDERED that the motion is denied in part. The Clerk of this Court shall strike the reply brief containing 19,627 words.
IT IS FURTHER ORDERED that no later than March 12, 2015, Appellant shall file reply brief which does not exceed 16,000 words. (Hon. John Pelander)
94. 12-Mar-2015 FILED: Appellant's Reply Brief; Certificate of Service; Certificate of Compliance (Appellant Lynch)
AT ISSUE
95. 12-Mar-2015 On the Court's own motion,
IT IS ORDERED that the above-entitled and numbered matter will be argued to the Court in due course. Counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined. (Janet Johnson, Clerk)
96. 22-Apr-2015 NOTICE OF ORAL ARGUMENT: Set for Tuesday, June 2, 2015 at 9:30 A.M. [twenty-five minutes (25) per side]
97. 22-Apr-2015 FILED: Notice of Filing Acknowledgment of Oral Argument (Mikel Steinfeld will argue) (Appellant Lynch)
98. 23-Apr-2015 FILED: Motion to Reset Oral Argument; Certificate of Service (Appellee State)
See Dkt No. 101
99. 24-Apr-2015 FILED: Notice of Filing Acknowledgment of Oral Argument (Lacy Stover Gard will argue) (Appellee State)
100. 12-May-2015 FILED: Notice of Withdrawal of Motion to Reset Oral Argument; Certificate of Service (Appellee State)
101. 2-Jun-2015 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Lacy Stover Gard; Mikel Steinfeld)
102. 16-Jul-2015 FILED: Notice of Supplemental Authority; Certificate of Service (Appellee State)
103. 23-Jul-2015 FILED: Motion to Strike State's Notice of Supplemental Authority - in the alternative - Motion for Permission to Respond; Certificate of Service (Appellant Lynch)
104. 24-Jul-2015 Upon considering Appellant's Motion to Strike State's Notice of Supplemental Authority and alternative Motion for Permission to Respond,
IT IS ORDERED that the motions are denied. (Hon. Robert M. Brutinel)
105. 10-Sep-2015 OPINION - For the reasons stated, we affirm Lynch's death sentence. (Hon. Robert M. Brutinel - Author; Hon. Scott Bales - Concur; Hon. John Pelander - Concur; Hon. Rebecca White Berch - Concur; Hon. Ann A. Scott Timmer - Concur)
106. 17-Sep-2015 FILED: Motion to Extend Time to File Motion for Reconsideration; Certificate of Service (Appellant Lynch)
107. 18-Sep-2015 A "Motion to Extend Time to File Motion for Reconsideration" having been filed by Appellant Lynch on September 17, 2015.
After consideration,
IT IS ORDERED granting the motion to extend time to file motion for reconsideration on or before October 13, 2015.
(Hon. Robert M. Brutinel)
108. 28-Sep-2015 FILED: Appellant's Motion for Reconsideration (Captial Case) (Appellant Lynch, Pro Se) (STRICKEN, Per ASC Order filed 9/30/2015)
109. 30-Sep-2015 On September 28, 2015, Lynch filed a pro per "Appellant's Motion for Reconsideration." On September 17, 2015, Appellant's counsel filed a motion for extension of time to file a motion for reconsideration and this Court granted that motion and extended the time to file on or before October 13, 2015. Lynch is represented by counsel and is not entitled to hybrid representation.
Therefore,
IT IS ORDERED striking Lynch's pro per motion for reconsideration.
(Hon. John Pelander)
110. 13-Oct-2015 FILED: Motion for Reconsideration; Certificate of Service (Appellant Lynch)
111. 13-Oct-2015 FILED: List of Attachments; Certificate of Service (Appellant Lynch)
112. 13-Oct-2015 FILED: Motion for Expansion of Word Count Limitation Re: Motion for Reconsideration; Certificate of Service (Appellant Lynch)

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113. 16-Oct-2015 A "Motion for Expansion of Word Count Limitation Re: Motion for Reconsideration" having been filed by Appellant Lynch,
IT IS ORDERED granting Appellant Lynch's motion to exceed the word count limit on the Motion for Reconsideration by 4,020 words for a total of 7,520 words. The Motion for Reconsideration is deemed filed as of October 13, 2015.
(Hon. John Pelander)
114. 30-Nov-2015 On October 13, 2015, Appellant Shawn Patrick Lynch filed a "Motion for Reconsideration." Upon review and consideration,
IT IS ORDERED denying the motion.
(Hon. Robert M. Brutinel)
115. 30-Nov-2015 -----CASE STATISTICALLY TERMINATED-----

Mandate Automatically Stayed Ninety (90) days pursuant to Rule 31.23(b)(1)
116. 25-Feb-2016 FILED: Notice from USSC – Petition for Writ of Certiorari filed on 2/25/2016 (No. 15-8366) (Harris, Clerk) (Rec'd from USSC on 3/4/2016)
117. 31-May-2016 FILED: Notice from USSC - Petition for Writ of Certiorari Granted; Judgment Reversed (No. 15-8366) (Harris, Clerk) (Rec'd from USSC on 6/6/2016)
118. 27-Jun-2016 FILED: Motion for Supplemental Briefing on Harmless Error Based on Lynch v. Arizona; Certificate of Service (Appellee State)
-----Case Reinstated -----
119. 5-Jul-2016 FILED: USSC Mandate - Remanded to ASC in light of USSC Opinion (5/31/2016, No. 15-8366)
120. 12-Jul-2016 FILED: Motion to Extend Time to File a Response to State's Motion for Supplemental Briefing on Harmless Error Based on Lynch v. Arizona; Certificate of Service (Appellant Lynch)
121. 13-Jul-2016 A "Motion to Extend Time to File a Response to State's Motion for Supplemental Briefing on Harmless Error Based on Lynch v. Arizona" (Appellant Lynch) having been filed on July 12, 2016,

IT IS ORDERED granting a first extension of time to file the Response to State's Motion for Supplemental Briefing on or before July 26, 2016. No further extensions of time will be granted. (Janet Johnson, Clerk)
122. 26-Jul-2016 FILED: Response: Motion for Supplemental Briefing on Harmless Error Based on Lynch v. Arizona; Certificate of Service (Appellant Lynch)
123. 2-Aug-2016 FILED: Reply to Response to Motion for Supplemental Briefing on Harmless Error Based on Lynch v. Arizona; Certificate of Service (Appellee State)
124. 31-Aug-2016 Upon considering the State's Motion for Supplemental Briefing on Harmless Error Based on Lynch v. Arizona, Appellant Lynch's Response, and the State's Reply,

IT IS ORDERED granting the motion for supplemental briefing.

IT IS FURTHER ORDERED that the parties shall file simultaneous supplemental briefs, not to exceed 20 pages, no later than 30 days from the date of this order. The supplemental briefs shall address: (1) whether the failure to give a jury instruction pursuant to Simmons v. South Carolina, 512 U.S. 154 (1994), is subject to harmless error analysis; and (2) whether Simmons error in this case was harmless. (Hon. Scott Bales)
125. 29-Sep-2016 FILED: Motion for Expansion of Word Count Limitation; Certificate of Service (Appellant Lynch)
126. 30-Sep-2016 A "Motion for Expansion of Word Count Limitation" (Appellant Lynch) having been filed, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended pagination,

IT IS ORDERED granting the motion. Appellant Lynch and Appellee State may exceed the page limit on the Supplemental Brief by 2 pages, for a total of 22 pages. (Janet Johnson, Clerk)
127. 30-Sep-2016 FILED: Appellee's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
128. 30-Sep-2016 FILED: Appellant's Supplemental Brief Regarding Harmless Error; Certificate of Service; Certificate of Compliance (Appellant Lynch)
129. 3-Oct-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant Lynch)

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130. 18-Oct-2016 ORDERED: Request for Oral Argument = GRANTED.

FURTHER ORDERED: Amicus briefs shall be filed by no later than November 8, 2016, and any responses to amicus briefs shall be filed by no later than November 28, 2016.
131. 19-Oct-2016 NOTICE OF ORAL ARGUMENT: Set for Tuesday, December 6, 2016 at 10:55 A.M. at Morenci High School [twenty (20) minutes per side]
132. 20-Oct-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Jeffrey L. Sparks will argue) (Appellee State)
133. 24-Oct-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Mikel Steinfeld will argue) (Appellant Lynch)
134. 24-Oct-2016 FILED: (Copy of) Minute Entry dated October 18 2016 for Request for Oral Argument Granted (Appellant Lynch)
135. 8-Nov-2016 FILED: Brief of Amicus Curiae Arizona Capital Representation Project in Support of Appellant; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Capital Representation Project)
136. 8-Nov-2016 FILED: Motion for Leave to File an Amicus Curiae Brief (Amicus Curiae Arizona Capital Representation Project)
137. 8-Nov-2016 FILED: Brief of Amicus Curiae Arizona Attorneys for Criminal Justice in Support of Appellant; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Attorneys for Criminal Justice)
138. 8-Nov-2016 FILED: Motion for Leave to File an Amicus Curiae Brief (Amicus Curiae Arizona Attorneys for Criminal Justice)
139. 9-Nov-2016 A "Motion for Leave to File an Amicus Curiae Brief" (Amicus Curiae Arizona Capital Representation Project) and the Brief of Amicus Curiae were filed on November 8, 2016.

IT IS ORDERED granting the motion. The brief shall be filed as of November 8, 2016. (Hon. Ann A. Scott Timmer)
140. 9-Nov-2016 A "Motion for Leave to File an Amicus Curiae Brief" (Amicus Curiae Arizona Attorneys for Criminal Justice) and the Brief of Amicus Curiae were filed on November 8, 2016.

IT IS ORDERED granting the motion. The brief shall be filed as of November 8, 2016. (Hon. Ann A. Scott Timmer)
141. 21-Nov-2016 SENT: Letter to Attorneys re Morenci High School OA; Map and parking info
142. 28-Nov-2016 FILED: Appellee's Response to Brief of Amicus Curiae Arizona Attorneys for Criminal Justice; Certificate of Service; Certificate of Compliance (Appellee State)
143. 1-Dec-2016 FILED: Motion to Correct Supplemental Brief; Certificate of Service (Appellant Lynch)
144. 2-Dec-2016 Appellant Lynch has filed a "Motion to Correct Supplemental Brief." Treating the motion as a notice of errata,

IT IS ORDERED granting the motion. (Hon. Clint Bolick)
145. 6-Dec-2016 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Jeffrey L. Sparks; Mikel Steinfeld)