

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,)
) Arizona Supreme Court
) No. CR-12-0359-AP
 Appellee,)
) Maricopa County
 v.) Superior Court
) No. CR2001-092032
 SHAWN PATRICK LYNCH,)
)
 Appellant.)
) **FILED: 8/31/2016**
)
 _____)

O R D E R

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.

DATED this 31st day of August, 2016.

For the Court:

_____/s/_____
Scott Bales
Chief Justice

TO:

Lacey Stover Gard

Jeffrey L Sparks

Tennie B Martin

Mikel Steinfeld

Shawn Patrick Lynch, ADOC 206125, Arizona State Prison, Florence -
Eyman Complex-Browning Unit (SMU II)

Hon. Michael K Jeanes

Diane Alessi

Dale A Baich

Amy Armstrong