



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. SHAWN PATRICK LYNCH
CR-12-0359-AP**

PARTIES:

Appellant: Shawn Patrick Lynch

Appellee: State of Arizona

FACTS:

This automatic appeal arises from Defendant–Appellant Shawn Patrick Lynch’s convictions and sentences for first-degree murder, kidnapping, armed robbery, and burglary in the first degree. A jury sentenced Lynch to death, but this Court remanded the case to the trial court for a new penalty phase trial. Lynch was again sentenced to death.

Lynch and Mike Sehwani met the victim, James Panzarella, at a Scottsdale bar on March 24, 2001. The three men went to Panzarella’s residence early the following morning. Panzarella was later found tied to a chair with his throat slit. DNA and other evidence linked Lynch to the crime. Several items were stolen from Panzarella’s home, and police discovered a pistol belonging to Panzarella in Lynch’s and Sehwani’s motel room. Lynch and Sehwani used Panzarella’s credit and debit cards for various purchases and a cash withdrawal.

The State proved the existence of two aggravating factors for the murder: The homicide was especially heinous, cruel, or depraved, A.R.S. § 13-751(F)(6), and was committed as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value. A.R.S. § 13-751(F)(5). The jury found that the death penalty was appropriate, determining that the mitigating circumstances did not warrant leniency. The trial judge sentenced Lynch to 21 years’ imprisonment on the remaining counts.

ISSUES:

1. Did prosecutorial misconduct taint the sentence?
2. Did the trial court improperly limit the retrial to the penalty phase?
3. Did the trial court err when it refused to instruct the jury that Lynch was ineligible for release if sentenced to life imprisonment?
4. Did the trial court abuse its discretion by denying Lynch’s challenge to the State’s use

of peremptory strikes under *Batson v. Kentucky*?

5. Did the trial court abuse its discretion by declining to strike for cause a juror who had personal knowledge regarding an expert witness?
6. Were the mitigating circumstances sufficiently substantial to warrant leniency?
7. Is Arizona's death penalty unconstitutional on the ground that it involves torture and a lingering death?

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