



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE of ARIZONA v. SHAWN P. LYNCH
CR-12-0359-AP**

PARTIES:

Appellant: Shawn Patrick Lynch

Appellee: State of Arizona

FACTS:

In State v. Lynch (Lynch II), 238 Ariz. 84, 357 P.3d 119 (2015), the Arizona Supreme Court affirmed the death sentence imposed on Shawn Lynch. The United States Supreme Court granted Mr. Lynch's petition for writ of certiorari and issued a per curiam opinion holding in part:

Under *Simmons v. South Carolina*, 512 U.S. 154, 114 S.Ct. 2187, 129 L.Ed.2d 133 (1994), and its progeny, "where a capital defendant's future dangerousness is at issue, and the only sentencing alternative to death available to the jury is life imprisonment without possibility of parole," the Due Process Clause "entitles the defendant 'to inform the jury of [his] parole ineligibility, either by a jury instruction or in arguments by counsel.'" *Shafer v. South Carolina*, 532 U.S. 36, 39, 121 S.Ct. 1263, 149 L.Ed.2d 178 (2001) (quoting *Ramdass v. Angelone*, 530 U.S. 156, 165, 120 S.Ct. 2113, 147 L.Ed.2d 125 (2000) (plurality opinion)). In the decision below, the Arizona Supreme Court found that the State had put petitioner Shawn Patrick Lynch's future dangerousness at issue during his capital sentencing proceeding and acknowledged that Lynch's only alternative sentence to death was life imprisonment without parole. 238 Ariz. 84, 103, 357 P.3d 119, 138 (2015). But the court nonetheless concluded that Lynch had no right to inform the jury of his parole ineligibility. *Ibid.* The judgment is reversed.

Lynch v. Arizona, 136 S. Ct. 1818, 1818–19 (2016). The Court remanded the case for further proceedings not inconsistent with its opinion.

ISSUES:

The Arizona Supreme Court ordered the parties to file briefs addressing the following issues: (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.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.