

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

TIFFANIE CHANTELL LYNCH, *Petitioner*.

No. 1 CA-CR 16-0026 PRPC
FILED 11-21-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2012-010248-001
CR2014-001548-001
The Honorable Erin Otis, Judge

REVIEW GRANTED AND RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Amanda M. Parker
Counsel for Respondent

Tiffany Chantell Lynch, Goodyear
Petitioner

STATE v. LYNCH
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Randall M. Howe delivered the decision of the Court, in which Judge Peter B. Swann and Judge Maria Elena Cruz joined.

H O W E, Judge:

¶1 Tiffanie Chantell Lynch petitions this Court for review from the summary dismissal of her petition for post-conviction relief of-right. We have considered the petition for review and for the reasons stated, grant review but deny relief.

¶2 Lynch pled guilty in two separate matters, one for fraudulent schemes and artifices, a class 2 felony, and the other for theft of means of transportation, a class 3 felony. The trial court sentenced her to concurrent terms of 15.75 years' imprisonment for fraudulent schemes and artifices and 11.25 years' imprisonment for theft of means of transportation.

¶3 Lynch argues that her trial counsel was ineffective when counsel failed to adequately meet and communicate with Lynch before the entry of her guilty pleas. Lynch argues that the lack of contact deprived her of the ability to discuss possible defenses to the charges or more favorable pretrial resolutions.

¶4 A plea agreement waives all non-jurisdictional defenses, errors, and defects that occurred before the plea. *State v. Moreno*, 134 Ariz. 199, 200 (App. 1982). The waiver of non-jurisdictional defects includes deprivations of constitutional rights, *Tollett v. Henderson*, 411 U.S. 258, 267 (1973), and all claims of ineffective assistance of counsel not directly related to the entry of the plea. *State v. Quick*, 177 Ariz. 314, 316 (App. 1993). Lynch's claims are not directly related to the entry of the plea. Second, Lynch does not identify any viable defenses to the charges, nor does she identify more favorable resolutions to the charges or explain what counsel could have done to obtain those more favorable resolutions. Therefore, Lynch has failed to present colorable claims for relief.

¶5 Lynch also argues that her counsel was ineffective when he failed to seek a substitution of counsel and when he failed to attend unidentified court matters. A petition for review may not present issues not first presented to the trial court. Ariz. R. Crim. P. 32.9(c)(1)(ii); *State v. Bortz*,

STATE v. LYNCH
Decision of the Court

169 Ariz. 575, 577 (App. 1991). Because Lynch did not raise these issues in the petition for post-conviction relief she filed below, relief is denied on these issues.

¶6 Accordingly, we grant review but deny relief.



AMY M. WOOD • Clerk of the Court
FILED: AA