

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

FRANK CLEMENT JONES,  
*Petitioner.*

No. 2 CA-CR 2015-0441-PR  
Filed May 9, 2016

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See* Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

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Petition for Review from the Superior Court in Pima County

No. CR20141846001

The Honorable Carmine Cornelio, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Dean Brault, Pima County Legal Defender  
By Alex Heveri, Assistant Legal Defender, Tucson  
*Counsel for Petitioner*

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**MEMORANDUM DECISION**

Judge Staring authored the decision of the Court, in which Presiding Judge Howard and Judge Espinosa concurred.

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STARING, Judge:

¶1 Frank Jones seeks review of the trial court's ruling summarily denying his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that order unless the court clearly abused its discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Jones has not met his burden of demonstrating such abuse here.

¶2 Jones pled guilty to failing to give notice, as a person required to register as a sex offender, of a change of address or change of name and was sentenced to a 3.75-year prison term. He sought post-conviction relief, arguing his "prosecution and conviction" violated the constitutional prohibition of "Ex Post Facto laws and Bills of Attainder" because the conviction requiring him to register predated Arizona's sex offender registration statutes. The trial court summarily denied relief, concluding no constitutional violation had occurred because sex offender registration is a regulatory scheme, citing *State v. Noble*, 171 Ariz. 171, 829 P.2d 1217 (1992). This petition for review followed.

¶3 On review, Jones repeats his argument that his conviction is unconstitutional because it violates the prohibition against ex post facto laws and bills of attainder.<sup>1</sup> By pleading guilty, however, Jones waived all non-jurisdictional defects unrelated to the

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<sup>1</sup>Jones's petition for review states in its first paragraph that his petition below was "based on newly-discovered evidence and ineffective assistance of counsel claims." Jones raised neither claim before, nor does he raise such claims in his petition for review.

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validity of his plea. *See State v. Flores*, 218 Ariz. 407, ¶ 6, 188 P.3d 706, 708 (App. 2008); *State v. Quick*, 177 Ariz. 314, 316, 868 P.2d 327, 329 (App. 1993). Jones argues in his petition for review that he is entitled to raise this claim because “his conviction was in violation of the constitution,” citing *Flores*.

¶4 *Flores* does not support Jones’s argument that he does not waive constitutional claims by pleading guilty. Indeed, we expressly stated that “[t]he waiver of non-jurisdictional defects includes deprivations of constitutional rights.” *Flores*, 218 Ariz. 407, ¶ 6, 188 P.3d at 709. We reviewed the facts in *Flores* to determine if the trial court had subject matter jurisdiction and whether pre-emption applied. *See id.* Jones, however, has cited no authority suggesting that violation of the prohibition of ex post facto laws or bills of attainder creates a jurisdictional defect. *See State v. Stefanovich*, 232 Ariz. 154, ¶ 16, 302 P.2d 679, 683 (App. 2013) (insufficient argument waives review on review). Thus, even if we agreed his substantive legal argument is correct, Jones has not met his burden of demonstrating he is entitled to relief. *Cf. State v. Perez*, 141 Ariz. 459, 464, 687 P.2d 1214, 1219 (1984) (appellate court obliged to affirm trial court’s ruling if result legally correct for any reason).

¶5 We grant review but deny relief.