

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

LUIS VALDEZ,
Petitioner/Appellant,

v.

DAVID SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS,
Respondent/Appellee.

No. 2 CA-HC 2020-0004
Filed December 22, 2020

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NOT FOR PUBLICATION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. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pinal County
No. S1100CR2000026578
The Honorable Barbara A. Hazel, Judge Pro Tempore

AFFIRMED

Luis Valdez, Florence
In Propria Persona

MEMORANDUM DECISION

Chief Judge Vásquez authored the decision of the Court, in which Presiding Judge Staring and Judge Brearcliffe concurred.

V Á S Q U E Z, Chief Judge:

¶1 Luis Valdez appeals from the trial court’s order denying his petition for writ of habeas corpus. We affirm.

¶2 Valdez was convicted after a jury trial of four counts of sexual conduct with a minor and sentenced to consecutive prison terms totaling fifty-two years. We affirmed his convictions and sentences on appeal. *State v. Valdez*, No. 2 CA-CR 2001-0469 (Ariz. App. Jan. 14, 2003) (mem. decision).

¶3 In April 2020, Valdez filed a petition for writ of habeas corpus, identifying three claims: “Invalid Laws,” “Fraud,” and “Lack of Subject Matter Jurisdiction.” The heart of each claim, however, was the same – that a sentencing statute referenced in his indictment, former A.R.S. § 13-604.01,¹ had been “recognized as unconstitutional,” rendering his indictment improper. The trial court denied the petition, noting it had found “no legal basis . . . to grant the requested relief.” This appeal followed.

¶4 On appeal, Valdez again asserts that, because his indictment referred to a purportedly unconstitutional statute, his indictment was also “unconstitutional,” and the trial court lacked jurisdiction over him. Generally, “[i]n Arizona, the writ of habeas corpus may be used only to review matters affecting a court’s jurisdiction.” *In re Oppenheimer*, 95 Ariz. 292, 297 (1964). Valdez’s petition does not entitle him to relief. Even were Valdez correct that his indictment was flawed, a deficient charging instrument does not deprive a court of subject-matter jurisdiction. *See State v. Maldonado*, 223 Ariz. 309, ¶ 13 (2010). The trial court did not err in concluding Valdez was not entitled to habeas relief.

¶5 We affirm the trial court’s order denying Valdez’s petition for writ of habeas corpus.

¹This section was renumbered to A.R.S. § 13-705, effective January 1, 2009. 2008 Ariz. Sess. Laws, ch. 301, § 17.