

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

RONNIE HOWELL LYNCH,
Petitioner/Appellant,

v.

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

No. 2 CA-HC 2020-0006
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NOT FOR PUBLICATION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. S1100CV202001123
The Honorable Barbara A. Hazel, Judge Pro Tempore

AFFIRMED

Ronnie Lynch, Florence
In Propria Persona

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MEMORANDUM DECISION

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

STARING, Presiding Judge:

¶1 Ronnie Lynch appeals from the trial court's order denying his petition for writ of habeas corpus. We affirm.

¶2 Lynch was convicted after a jury trial of two counts of sexual conduct with a minor and one count each of sexual abuse, kidnapping, aggravated assault, transfer of marijuana to a minor, and possession of marijuana on or near school grounds. Lynch was sentenced to a combination of concurrent and consecutive prison terms totaling eighty-two years. We affirmed his convictions and sentences on appeal. *State v. Lynch*, No. 1 CA-CR 99-0975 (Ariz. App. July 25, 2000) (mem. decision). He has sought and been denied post-conviction relief at least six times.

¶3 In August 2020, Lynch filed a petition for writ of habeas corpus. He asserted a sentencing statute referred to in his indictment, former A.R.S. § 13-604.01,¹ had been "recognized as unconstitutional" and repealed, thereby rendering his indictment improper and depriving the trial court of subject-matter jurisdiction. The court denied the petition, noting it had found "no legal basis . . . to grant the requested relief." This appeal followed.

¶4 On appeal, Lynch repeats his claim. 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). Lynch's petition does not entitle him to relief. His jurisdiction claim is based on his argument that the indictment was defective. But even were Lynch correct that his indictment was flawed, a deficient charging instrument does not deprive a court of subject-matter jurisdiction. *See State v. Maldonado*, 223

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

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Ariz. 309, ¶ 13 (2010). The trial court did not err in concluding Lynch was not entitled to habeas relief.

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