

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

WILLIAM ROBERT STEDCKE,
Petitioner.

No. 2 CA-CR 2022-0064-PR
Filed June 30, 2022

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NOT FOR PUBLICATION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. 31.19(e).

Petition for Review from the Superior Court in Pima County
No. CR20163933001
The Honorable James E. Marner, Judge

REVIEW GRANTED; RELIEF DENIED

William R. Stedcke, Florence
In Propria Persona

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MEMORANDUM DECISION

Chief Judge Vásquez authored the decision of the Court, in which Presiding Judge Eckerstrom and Judge Espinosa concurred.

V Á S Q U E Z, Chief Judge:

¶1 Petitioner William Stedcke seeks review of the trial court’s order dismissing his petition for post-conviction relief, filed pursuant to Rule 33, Ariz. R. Crim. P. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4 (App. 2007). Stedcke has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Stedcke was convicted in two causes of sexual exploitation of a minor under fifteen and sexual exploitation of a minor under fifteen in the second degree, both dangerous crimes against children, and luring a minor for sexual exploitation. The trial court sentenced him to a 3.5-year prison term for luring, to be followed by a seventeen-year prison term for sexual exploitation, and a lifetime term of probation for second-degree exploitation. Stedcke thereafter unsuccessfully sought post-conviction relief, and this court denied relief on review. *State v. Stedcke*, No. 2 CA-CR 2019-0282-PR (Ariz. App. May 26, 2020) (mem. decision).

¶3 In April 2022, Stedcke filed a new notice of post-conviction relief, checking boxes on the form indicating he was raising claims of a lack of subject matter jurisdiction, newly discovered material facts, and actual innocence. His argument, however, focused on actual innocence. He claimed that documents he had received from the legislature relating to the changes made to A.R.S. § 13-3554, which had been referred to this court’s decision on appeal, *Stedcke*, No. 2 CA-CR 2019-0282-PR, ¶ 10, indicated that the statute “still requires the defendant to lure a minor or ‘anyone’ posing as a minor,” which he contends he “never did.”

¶4 The trial court concluded that Stedcke could have raised his claim, which was essentially one of insufficient evidence, in his first proceeding. It determined that “[a]ny suggestion that the existence of the claims somehow arose after publication of the” decision of this court “with its reference to the . . . amendment . . . is meritless.” Furthermore, it

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concluded Stedcke had not shown why he had waited two years after our decision to file his notice. It therefore summarily dismissed the proceeding.

¶5 On review, Stedcke argues the trial court abused its discretion by finding he had not stated sufficient reasons for the delay in bringing his claim and in “dismissing [his] jurisdictional claims and refusing to consider [his] newly discovered facts.” But, the legislative history that Stedcke included with his notice does not qualify as newly discovered evidence because it relates to the law, not the material facts underlying his conviction, and, in any event, has existed as public information since approximately 2007. *See* Ariz. R. Crim. P. 33.1(e) (successful claim of newly discovered evidence requires “material” facts and “due diligence in discovering these facts”); *see also* 2007 Ariz. Sess. Laws, ch. 248, § 8.

¶6 Furthermore, as a pleading defendant, Stedcke waived “production of all evidence of guilt” and cannot now “question the legal sufficiency of the evidence against him.” *State v. Lopez*, 99 Ariz. 11, 13 (1965). We likewise reject Stedcke’s claim that the trial court lacked subject matter jurisdiction of the matter because he “never lured a minor or an officer posing as a minor.” Subject matter jurisdiction is a court’s power to hear and determine a controversy, *State v. Bryant*, 219 Ariz. 514, ¶ 14 (App. 2008), and article VI, § 14(4) of the Arizona Constitution vests superior courts with jurisdiction over “[c]riminal cases amounting to felony,” with which Stedcke was charged. And, to the extent Stedcke suggests the indictment against him was insufficient as a matter of law, a deficient charging instrument does not deprive a court of subject matter jurisdiction. *State v. Maldonado*, 223 Ariz. 309, ¶¶ 13, 17-18 (2010).

¶7 For these reasons, even assuming that Stedcke had raised his claims in a reasonable time, the trial court did not abuse its discretion in dismissing the proceeding.

¶8 We grant the petition for review, but deny relief.