



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. JOHN MONTENEGRO CRUZ
CR-17-0567-PC**

PARTIES:

Petitioner: John Montenegro Cruz

Respondent: State of Arizona

FACTS:

Cruz was convicted of first-degree murder and sentenced to death in 2005. The Arizona Supreme Court affirmed his conviction and sentence in 2008.

After the United States Supreme Court decided *Lynch v. Arizona*, 136 S. Ct. 1818 (2016) (*Lynch II*), Cruz filed a petition for post-conviction relief (“PCR”) in superior court. *See generally* Ariz. R. Crim. P. 32. He raised a claim under Rule 32.1(g) asserting *Lynch II* is a significant change in the law that applies to him and would probably overturn his death sentence.

The superior court denied relief because it determined *Lynch II*: (1) is not a significant change in law; (2) is not retroactively applicable to Cruz in PCR/collateral review; and (3) would not probably overturn Cruz’s death sentence.

ISSUES:

1. Was *Lynch v. Arizona*, 136 S. Ct. 1818 (2016) (*Lynch II*) a significant change in the law for purposes of Ariz. R. Cr. P. 32.1(g)?
2. Is *Lynch II* retroactively applicable to petitioner on collateral review?
3. If *Lynch II* applies retroactively, would its application have probably overturned petitioner’s sentence per Rule 32.1(g)?

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