

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

STEPHEN PAUL FINGER, *Petitioner*.

No. 1 CA-CR 15-0249 PRPC
FILED 6-8-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2012-117898-001
The Honorable Christine E. Mulleneaux, Judge *Pro Tempore*

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Gerald R. Grant
Counsel for Respondent

Stephen Paul Finger, Phoenix
Petitioner

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MEMORANDUM DECISION

Presiding Judge Peter B. Swann delivered the decision of the court, in which Judge Kent E. Cattani and Judge Donn Kessler joined.

S W A N N, Judge:

¶1 Stephen Paul Finger petitions this court for review from the dismissal of his petition for post-conviction relief. Finger pled guilty to trafficking in stolen property and theft of means of transportation. The superior court sentenced him to a stipulated term of ten years' imprisonment for trafficking in stolen property and placed him on a stipulated term of three years' probation for theft of means of transportation. For the reasons that follow, we grant review but deny relief.

¶2 We deny relief because Finger has failed to present any colorable claims regarding the constitutionality or general legality of his pleas, his convictions or his punishment. By pleading guilty, Finger waived all non-jurisdictional defects and defenses, except those that relate to the validity of the plea. *State v. Leyva*, 241 Ariz. 521, ¶ 17 (App. 2017). Here, the petition for review presents only a laundry list of generalized complaints for which Finger provides little or no supporting argument, legal authority, application of law to relevant facts or citation to the record. A petition for review must set forth specific claims, present sufficient argument supported by legal authority and include citation to the record. Ariz. R. Crim. P. 32.9(c)(1)(iv) (petition must contain "[t]he reasons why the petition should be granted" and either an appendix or "specific references to the record"); Ariz. R. Crim. P. 32.9(c)(1)(ii) (petition must state "the issues which were decided by the trial court and which the defendant wishes to present to the appellate court for review"). "[C]ompliance with Rule 32 is not a mere formality." *Canion v. Cole*, 210 Ariz. 598, 600, ¶ 11 (2005). A petitioner must "strictly comply" with Rule 32 in order to be entitled to relief. *Id.*

¶3 Further, we do not consider the issues Finger presents in his petition for review that he did not raise below. *See State v. Ramirez*, 126 Ariz. 464, 468 (App. 1980); *State v. Wagstaff*, 161 Ariz. 66, 71 (App. 1988); *State v. Bortz*, 169 Ariz. 575, 577-78 (App. 1991); Ariz. R. Crim. P. 32.9(c)(1)(ii); *see also State v. Swoopes*, 216 Ariz. 390, 403, ¶ 42 (App. 2007) (holding there is no review for fundamental error in a post-conviction relief proceeding).

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Likewise, we do not consider issues Finger first raised in his reply. *See State v. Watson*, 198 Ariz. 48, 51, ¶ 4 (App. 2000).

¶4 Accordingly, we grant review but deny relief.¹



AMY M. WOOD • Clerk of the Court
FILED: AA

¹ Petitioner filed three motions: “Motion for Modification of Custody Temporary Release until Court Date and Time” dated February 27, 2017; “Motion Standard One Hour Evidence Hearing or Proof of by State of Arizona Attorneys Office” dated February 27, 2017; and “Motion to Preclude States Response” dated March 4, 2017. After consideration, the court denies all three motions.