

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAR 29 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0392-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
RANDY HARPER-BURTON,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20103478001

Honorable John S. Leonardo, Judge

REVIEW GRANTED; RELIEF DENIED

Randy Harper-Burton

Douglas
In Propria Persona

B R A M M E R, Judge.

¶1 Petitioner Randy Harper-Burton seeks review of the trial court's order summarily dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly has abused its discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007).

¶2 Harper-Burton pled guilty to two counts of robbery and was sentenced to concurrent, aggravated, 5.5-year prison terms. He filed a notice of post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and “was unable to find any claims to raise in Rule 32 post-conviction proceedings.” Harper-Burton then filed a pro se petition arguing he had been sentenced “unfairly,” the court improperly had relied on a statement by the then-deceased victim’s daughter at sentencing, and his trial counsel had been ineffective in informing him he would receive, at most, a 4.5-year prison term, in failing to present certain mitigating evidence, and in failing to raise “several errors” in his presentence report. Finding Harper-Burton had “failed to bring forth a colorable claim,” the trial court summarily dismissed his petition.

¶3 On review, Harper-Burton repeats, without elaboration, the claims he made below. His petition for review contains only a cursory summary of the issues decided by the trial court and the reasons why the petition should be granted. *See* Ariz. R. Crim. P. 32.9(c). He does not cite relevant authority, identify any error in the court’s ruling, or develop a cognizable legal argument. *See State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review); *see also State v. Cornell*, 179 Ariz. 314, 331, 878 P.2d 1352, 1369 (1994) (pro se defendant held to same rules as attorney). And, in any event, based on our review of Harper-Burton’s petition for post-conviction relief and the court’s ruling, we conclude the court correctly rejected his claims in a thorough and well-reasoned minute entry; we therefore adopt the court’s ruling. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court ruled correctly on issues raised “in a fashion that will allow any court in

the future to understand the resolution [, n]o useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision”).

¶4 For the reasons stated, although we grant review, we deny relief.

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge