

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

NOV 20 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2012-0267-PR
	)	DEPARTMENT B
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
RICKY LEE CAMPBELL,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR16812

Honorable Joseph R. Georgini, Judge

REVIEW GRANTED; RELIEF DENIED

\_\_\_\_\_  
Ricky Lee Campbell

\_\_\_\_\_  
Florence  
In Propria Persona

\_\_\_\_\_  
K E L L Y, Judge.

¶1 Petitioner Ricky Campbell seeks review of the trial court’s summary dismissal of his successive petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. We grant review and, for the following reasons, deny relief.

¶2 After a jury trial in 1992, Campbell was convicted of three counts of sexual abuse of a child, one count of child molestation, and one count of sexual conduct with a minor. The trial court sentenced him to consecutive, presumptive prison terms of ten years, seventeen years, and twenty years. In a consolidated appeal and petition for review of the court’s denial of his first Rule 32 petition, we affirmed his convictions and sentences and denied post-conviction relief. *State v. Campbell*, Nos. 2 CA-CR 92-0573, 2 CA-CR 95-0258-PR (consolidated) (memorandum decision filed Jan. 25, 1996). We also denied relief on review of the court’s denial of one of Campbell’s subsequent Rule 32 petitions. *State v. Campbell*, No. 2 CA-CR 2005-0041-PR (decision order filed Sep. 14, 2005).

¶3 In denying Campbell’s most recent petition for post-conviction relief, the trial court found his claims “precluded as having been previously ruled upon or untimely filed.” In his petition for review, Campbell asserts he is and always has been mentally ill and claims his counsel was ineffective in failing to request a competency examination pursuant to Rule 11, Ariz. R. Crim. P. This claim was considered on its merits and denied in Campbell’s first post-conviction proceeding. *See Campbell*, Nos. 2 CA-CR 92-0573 & 95-0258-PR, at 4-5. It is therefore precluded. Ariz. R. Crim. P. 32.2(a)(2) (defendant precluded from relief on any ground “[f]inally adjudicated on the merits on appeal or in any previous collateral proceeding”).

¶4 We review a trial court's summary denial of post-conviction relief for an abuse of discretion. *State v. Bennett*, 213 Ariz. 562, ¶ 17, 146 P.3d 63, 67 (2006). We find none here and, accordingly, relief is denied.

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge