

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

RUDOLPH CHARLES ARENAS,
Petitioner.

No. 2 CA-CR 2015-0437-PR
Filed April 20, 2016

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NOT FOR PUBLICATION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. 31.24.

Petition for Review from the Superior Court in Pima County

No. CR20012407

The Honorable Joan Wagener, Judge

REVIEW DENIED

Rudolph C. Arenas, Buckeye
In Propria Persona

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MEMORANDUM DECISION

Judge Staring authored the decision of the Court, in which Presiding Judge Howard and Judge Espinosa concurred.

STARING, Judge:

¶1 Rudolph Arenas seeks review of the trial court's ruling summarily dismissing his successive and untimely petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We deny review.

¶2 Arenas was convicted after a 2002 jury trial of second-degree murder and two counts of attempted second-degree murder. The trial court sentenced him to consecutive prison terms totaling fifty-four years. We affirmed his convictions and sentences on appeal. *State v. Arenas*, No. 2 CA-CR 2002-0082, ¶ 22 (memorandum decision filed Jan. 29, 2004).

¶3 Arenas has sought post-conviction relief on at least three prior occasions. In the first, the trial court denied relief and we denied relief on review. *State v. Arenas*, No. 2 CA-CR 2006-0313-PR (memorandum decision filed Mar. 15, 2007). Arenas then sought post-conviction relief in May 2014 and February 2015; in each proceeding, the trial court denied relief and Arenas did not seek review.

¶4 In September 2015, Arenas filed a notice of and petition for post-conviction relief raising numerous claims, including that his due process rights had been violated because he was charged with attempted first-degree murder, "a non-existent crime in Arizona"; he had not been assigned two attorneys as required by Rule 6.8, Ariz. R. Crim. P.; there had been various errors in his sentence; and his trial, appellate, and post-conviction counsel had been ineffective. He asserted entitlement to raise the claims of ineffective assistance because the issues were "of sufficient constitutional magnitude,"

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that a challenge to his illegal sentence cannot be waived, and that he had only recently learned of “all the exact issues” in his case. In his notice, he requested counsel be appointed and checked boxes indicating he was raising claims of newly discovered evidence and a significant change in the law. Holding Arenas’s claims could not be raised in an untimely proceeding, the trial court summarily denied Arenas’s petition and his request for counsel. This petition for review followed.

¶5 On review, Arenas summarily restates his claims that he was entitled to have two appointed attorneys at trial and that his attorneys were ineffective. But he does not address the trial court’s determination that the claims could not be raised in this untimely proceeding. Thus, he has not complied with the requirement in Rule 32.9(c)(1), Ariz. R. Crim. P., that he explain how the trial court abused its discretion in rejecting his claims. Failure to comply with Rule 32.9 justifies our summary refusal to grant review. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must contain “reasons why the petition should be granted”), (f) (appellate review under Rule 32.9 discretionary); *see also State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review); *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of petitions for review), *disapproved on other grounds by Stewart v. Smith*, 202 Ariz. 446, ¶ 10, 46 P.3d 1067, 1071 (2002).

¶6 We deny review.