

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

JOSE RODRIGUEZ-RUIZ,
Petitioner.

No. 2 CA-CR 2015-0481-PR
Filed February 19, 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NOT FOR PUBLICATION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 Maricopa County
No. CR2009172127003DT
The Honorable Sherry K. Stephens, Judge

REVIEW DENIED

Jose Rodriguez-Ruiz, Kingman
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 Petitioner Jose Rodriguez-Ruiz seeks review of the trial court's order dismissing his notice of post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. "We will not disturb a trial court's ruling" in a proceeding for post-conviction relief "absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Rodriguez-Ruiz has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Rodriguez-Ruiz was convicted of conspiracy to commit possession of dangerous drugs for sale. The trial court sentenced him to an aggravated, ten-year prison term. Rodriguez-Ruiz thereafter initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record and was "unable to find any claims for relief to raise in post-conviction relief proceedings." In August 2011 the trial court granted Rodriguez-Ruiz forty-five days to file a pro se supplemental petition, and when he had not done so, in November 2011, the court dismissed the proceeding.

¶3 In March 2014, Rodriguez-Ruiz filed another notice of post-conviction relief, arguing he had received ineffective assistance of trial and Rule 32 counsel. The trial court summarily dismissed the notice, and denied Rodriguez-Ruiz's subsequent motion for reconsideration.

¶4 On review, Rodriguez-Ruiz asserts that his "claim constitutes a colorable claim" and asks this court to provide him relief under Rule 32.1(a). And he argues he is entitled to relief based

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on “the prosecutor’s improper vouching,” a claim he did not raise below.

¶5 Rodriguez-Ruiz’s petition for review contains no description of the issues decided by the trial court or facts material to the consideration of those issues, and he does not explain how the court abused its discretion in finding his claims of ineffective assistance of counsel precluded or untimely, as required by Rule 32.9(c)(1). Rodriguez-Ruiz’s 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” and “specific references to the record”), (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 therefore deny review.