

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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.

SHEMUEL JAMES SHASAN, *Petitioner*.

No. 1 CA-CR 16-0558 PRPC

Petition for Review from the Superior Court in Maricopa County

No. CR2012-140339-001

CR2012-141936-001

The Honorable Danielle J. Viola, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix

By Diane Meloche

Counsel for Respondent

Shemuel James Shasan, Douglas

Petitioner

MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Kent E. Cattani and Judge Paul J. McMurdie joined.

T H O M P S O N, Judge:

¶1 Petitioner Shemuel James Shasan petitions this court for review from the dismissal of his Rule 32 proceeding. We have considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 Shasan pled guilty to armed robbery, a class 2 dangerous felony in CR2012-140339-001. He also pled guilty to burglary in the first degree, a class 2 dangerous felony, in CR2012-141936-001. He was sentenced to 15 years in the Arizona Department of Corrections on each case, to run concurrent. He filed a notice of post-conviction relief (PCR) in one case (designated as CR2012-140339-001), appointed PCR counsel filed a notice of completion of review, and forwarded the appropriate transcripts and records to him. Shasan filed three extension requests with the superior court as to both case numbers, one which was considered moot, and two of which were granted. Shasan failed to file a petition for post-conviction relief by the last deadline set by the superior court, and his Rule 32 proceeding was dismissed.

¶3 Shasan then filed a motion for reconsideration with the superior court, requesting reinstatement of his proceeding, as the failure to file the petition was a result of his not receiving notice from the court of the “status” of his extension request. He claims he received no “legal mail” for a period of six months. The superior court denied his motion for reconsideration.

¶4 Shasan then filed his petition for review claiming the superior court abused its discretion when it dismissed his proceeding for failing to meet the deadline, and denied his motion for reconsideration. We review for abuse of discretion. *State v. Decenzo*, 199 Ariz. 355, 356, ¶ 2, 18 P.3d 149, 150 (App. 2001). A trial court has broad discretion over the management of its docket. *Findlay v. Lewis*, 172 Ariz. 343, 346, 837 P.2d 145, 148 (1992). Appellate courts do not substitute their judgment for that of the trial court

STATE v. SHASAN
Decision of the Court

in the day-to-day management of cases. *Id.* Based upon the information provided to the superior court, we find no abuse of discretion.

¶5 Shasan failed to meet at least two deadlines for filing his petition. The superior court granted an extension after the first, even though his motion to extend was almost three weeks late. While the record shows returned mail for both the last extension, and the court's order dismissing the Rule 32 proceeding, the first time Shasan inquired about the second extension was over two months after the extension was filed, and five weeks after the final deadline set by the court. He also filed a notice of change of address, six months after he claims he stopped receiving "legal mail." Given his lack of diligence in resolving the mail issue, following up in a timely manner, and missing two deadlines, we do not find the superior court was incorrect in dismissing his proceeding.¹

¶6 We grant review and deny relief.

¹ We do not opine as to whether or not Shasan would have a colorable claim under Rule 32.1 (f) to proceed with an untimely petition, as that matter is not before this court.