

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

WILLIAM MICHAEL MEYER, *Petitioner*.

No. 1 CA-CR 18-0654 PRPC
FILED 12-27-18

Petition for Review from the Superior Court in Mohave County
No. S8015CR201400555
The Honorable Billy K. Sipe, Jr., Judge *Pro Tempore*

REVIEW GRANTED; RELIEF DENIED

APPEARANCES

Mohave County Attorney's Office, Kingman
By Matthew J. Smith
Counsel for Respondent

William Michael Meyer, Florence
Petitioner

STATE v. MEYER
Decision of the Court

MEMORANDUM DECISION

Judge James B. Morse Jr. delivered the decision of the Court, in which Presiding Judge James P. Beene and Judge Michael J. Brown joined.

M O R S E, Judge:

¶1 William Michael Meyer ("Meyer") petitions this Court for review from the dismissal of his petition for post-conviction relief ("PCR") filed pursuant to Arizona Rule of Criminal Procedure ("Rule") 32.1. We have considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 After a jury found Meyer guilty of 23 counts of sexual exploitation of a minor under 15 years of age, each a Class 2 felony and dangerous crime against children, the superior court sentenced him to consecutive mitigated terms of 10 years' imprisonment on each count. Meyer appealed his convictions and sentences, and we affirmed.

¶3 Meyer then timely commenced PCR proceedings. After reviewing the record, appointed counsel notified the court that he found no colorable claims for relief. Meyer, however, filed a pro per PCR, contesting the constitutionality of the PCR process and claiming ineffective assistance of trial counsel. Finding Meyer failed to state a colorable claim for Rule 32 relief, the superior court dismissed the PCR. Meyer then filed a petition for review, and we denied relief.

¶4 In a second PCR, Meyer asserted that: (1) the superior court violated his right to counsel by denying his request for appointed counsel during the second PCR proceeding, and (2) appointed counsel from the first PCR was ineffective by failing to find any meritorious issues to raise. The superior court dismissed the second PCR and this petition for review followed.

¶5 Absent an abuse of discretion or error of law, this Court will not disturb a superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 577, ¶ 19 (2012). It is the petitioner's burden to show that the superior court abused its discretion. *See State v. Poblete*, 227 Ariz. 537, 538, ¶ 1 (App. 2011) (petitioner has the burden of establishing abuse of discretion on review).

STATE v. MEYER
Decision of the Court

¶6 Meyer's claims regarding the appointment and effectiveness of counsel have no merit because "[n]on-pleading defendants like [Meyer] have no constitutional right to counsel in post-conviction proceedings." *State v. Escareno-Meraz*, 232 Ariz. 586, 587, ¶ 4 (App. 2013). Thus, Meyer's constitutional right to counsel was not violated by the superior court's refusal to appoint counsel for him. Also, his "claim that Rule 32 counsel was ineffective is not a cognizable ground for relief in a subsequent Rule 32 proceeding." *Id.*

¶7 For these reasons, we grant review and deny relief.



AMY M. WOOD • Clerk of the Court
FILED: JT