

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

OMAR SHAKUR AKRAM, *Petitioner*.

No. 1 CA-CR 19-0412 PRPC
FILED 4-7-2020

Appeal from the Superior Court in Maricopa County
Nos. CR2010-006443-001
CR2010-006840-002
The Honorable Pamela D. Svoboda, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Andrea L. Kever
Counsel for Respondent

Omar Shakur Akram, Florence
Petitioner

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MEMORANDUM DECISION

Judge Kent E. Cattani delivered the decision of the Court, in which Presiding Judge Paul J. McMurdie and Judge Jennifer B. Campbell joined.

C A T T A N I, Judge:

¶1 Omar Sakur Akram seeks review of the superior court's order dismissing his fifth successive request for post-conviction relief. For reasons that follow, we grant review but deny relief.

¶2 Akram, who was 16 years old at the time of the offenses, pleaded guilty to two counts of sexual assault, two counts of attempted sexual assault, two counts of kidnapping, and one count of armed robbery in two related cases. In accordance with the plea agreements, the superior court sentenced Akram to a total of 20 years' imprisonment, flat time, to be followed by four concurrent terms of supervised probation, two with a lifetime duration.

¶3 Akram's four previous requests for post-conviction relief were denied. *See State v. Akram*, 1 CA-CR 16-0827 PRPC, 2018 WL 1527727 (Ariz. App. Mar. 29, 2018) (mem. decision) (granting review but denying relief from dismissal of second and third petitions for post-conviction relief); *see also State v. Akram*, 1 CA-CR 18-0700 PRPC (Ariz. App. Oct. 17, 2018) (order dismissing untimely petition for review from superior court's dismissal of Akram's fourth post-conviction proceeding).

¶4 Akram's most recent petition for post-conviction relief, as relevant here, asserted ineffective assistance of plea counsel due to insufficient preparation and failure to refer Akram for juvenile competency proceedings, as well as other constitutional claims premised on the contention that Akram suffered from long-term mental-health deficiencies rendering him incompetent to participate in the criminal proceeding at the time of his guilty pleas. The superior court dismissed the proceeding, finding that Akram's constitutional claims were precluded.

¶5 Akram timely petitioned this court for review, again asserting a violation of his constitutional rights throughout his plea proceedings based on the superior court's failure to conduct proceedings under Arizona's juvenile competency statutes, *see* A.R.S. §§ 8-291 to -291.11, and

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ineffective assistance of counsel based on counsel's failure to secure an important witness and to raise the issue of competency. Akram unsuccessfully raised these claims in his fourth post-conviction proceeding, however, so the superior court properly found that Akram is now precluded from relief on these grounds. *See* Ariz. R. Crim. P. 33.2(a)(2).

¶6 Accordingly, although we grant review, we deny relief.



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