

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JUN 17 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2013-0161-PR
	)	DEPARTMENT B
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
JAMES GREGORY LAMOREE,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2009005982001SE

Honorable Christopher Whitten, Judge

REVIEW DENIED

James Lamoree

Florence  
In Propria Persona

ESPINOSA, Judge.

¶1 Petitioner James Lamoree seeks review of the trial court’s summary dismissal of his successive proceeding for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. We deny review for the following reasons.

¶2 Pursuant to a plea agreement, Lamoree was convicted of one count of kidnapping and two counts of attempted sexual assault. The trial court sentenced him to an aggravated, ten-year term of imprisonment for the kidnapping, to be followed by concurrent, lifetime terms of probation for the attempted sexual assaults.

¶3 Lamoree filed a timely, of-right notice of post-conviction relief in March 2011. In August 2011, appointed counsel notified the court that he had reviewed the record and found no claims to raise in post-conviction relief proceedings. On August 16, the court granted Lamoree forty-five days in which to file a pro se petition. Lamoree failed to do so, and the court dismissed the proceeding on November 7, 2011.

¶4 On January 19, 2012, Lamoree filed a motion styled “Permission to File Untimely/Delayed Post-Conviction Relief” in which he referred to grounds for relief in Rule 32.1 and argued the imposition of lifetime probation was illegal under *State v. Peek*, 219 Ariz. 182, ¶¶ 11-12, 195 P.3d 641, 643 (2008), and *State v. Gonzalez*, 216 Ariz. 11, ¶¶ 13-15, 162 P.3d 650, 653-54 (App. 2007). The trial court construed the filing as a Rule 32 notice and summarily denied relief and dismissed the proceeding, apparently finding Lamoree’s claim precluded. *See* Ariz. R. Crim. P. 32.2(a)(3). The court also concluded his claim was without legal merit.

¶5 On review, Lamoree urges this court to grant the relief requested below and refers us to an “attached copy” of the papers he filed in the trial court. He does not address the court’s summary denial or advance any basis for concluding that ruling was incorrect or an abuse of discretion. Because Lamoree fails to provide any legal argument relevant to our consideration of the court’s order, we deny review. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must comply with Rule 31.12 governing form of appellate motions and contain “reasons why the petition should be granted” and either an appendix or “specific references to the record”); *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, 46 P.3d 1067 (2002).

¶6 Accordingly, review is denied.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge