

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

JUL 31 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2013-0197-PR
	)	DEPARTMENT B
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
JOSE ABEL CABRERA-SOMOSA,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2008006195001DT

Honorable Peter J. Cahill, Judge

REVIEW DENIED

William G. Montgomery, Maricopa County Attorney  
By Diane Meloche

Phoenix  
Attorneys for Respondent

Jose Abel Cabrera-Somosa

San Luis  
In Propria Persona

ECKERSTROM, Judge.

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

¶2 After a jury trial, Cabrera-Somosa was convicted of attempted first-degree murder, aggravated assault, and weapons misconduct. The trial court sentenced him to an aggravated, twenty-year prison term for attempted murder and a consecutive, aggravated, fourteen-year term for aggravated assault, with a presumptive, 2.5-year prison term for weapons misconduct to be served concurrently. On appeal, we reversed his conviction and sentence for weapons misconduct and affirmed his other convictions and sentences. *State v. Cabrera-Somosa*, No. 1 CA-CR 09-0271 (memorandum decision filed Sept. 14, 2010).

¶3 Cabrera-Somosa filed a timely notice of post-conviction relief, and appointed counsel filed a petition alleging his trial and appellate counsel had been ineffective in failing to challenge (1) the trial court’s admission, after a *Dessureault* hearing,<sup>1</sup> of the victim’s in-court identification and (2) the imposition of consecutive sentences. In its order dismissing the petition, the court addressed Cabrera-Somosa’s claims in detail and concluded he had failed to state a colorable claim for post-conviction relief.

¶4 In his pro se petition for review, Cabrera-Somosa urges this court to review the trial court’s ruling and attaches pages from the post-conviction relief petition he filed below. He does not address the court’s summary dismissal or advance any basis for

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<sup>1</sup>*State v. Dessureault*, 104 Ariz. 380, 453 P.2d 951 (1969).

concluding that ruling was incorrect or an abuse of discretion. Because Cabrera-Somosa 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 governing form of appellate motions and contain “reasons why the petition should be granted” and either an appendix or “specific references to the record”); Ariz. R. Crim. P. 32.9(f) (appellate review under Rule 32.9 discretionary); *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).

¶5 Accordingly, we deny review.

/s/ Peter J. Eckerstrom  
PETER J. ECKERSTROM, Judge

CONCURRING:

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

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Judge\*

\*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Order filed December 12, 2012.