

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

SEP 11 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2013-0218-PR
	)	DEPARTMENT A
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
RYAN STARR SOUCY,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause Nos. CR20094029001, CR20101664001, CR20101978001, and CR20103081001

Honorable Teresa Godoy, Judge

REVIEW GRANTED; RELIEF DENIED

Ryan Starr Soucy

Kingman  
In Propria Persona

MILLER, Judge.

¶1 Petitioner Ryan Soucy seeks review of the trial court’s order denying his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Soucy has not sustained his burden of establishing such abuse here.

¶2 Pursuant to plea agreements entered in four different causes, Soucy was convicted of theft by misrepresentation, aggravated assault of a peace officer, and three counts of possession of a dangerous drug. He also admitted, in each cause, to a prior conviction for possession of a dangerous drug. The trial court imposed a combination of enhanced, presumptive and aggravated, concurrent and consecutive sentences, totaling 18.5 years' imprisonment.

¶3 Soucy initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and “f[ou]nd[] no legal issues of merit exist.” In a pro se supplemental petition, however, Soucy alleged the trial court had “abused its discretion by illegally aggravat[ing]” his sentences. He also raised numerous claims of ineffective assistance of trial counsel, including a claim that counsel had been ineffective in failing to provide him with “disclosure” of certain materials. The state filed its response on June 4, 2012, and Soucy filed a motion for an extension of time in which to file his reply. The motion was filed in the superior court on July 5, but was signed by Soucy on June 18. The court denied the motion to extend the time and summarily denied relief.

¶4 On review, Soucy restates his claims that counsel was ineffective in failing to “disclose” certain documentation to him and that he received an illegal sentence, and he alleges the trial court “erred by summarily dismissing [his] Petition . . . without considering [his] reply.” Because he does not develop any argument that the court abused its discretion in denying his other claims of ineffective assistance of counsel, we do not address those claims. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review shall

contain “the reasons why the petition should be granted” and “specific references to the record”); *State v. Rodriguez*, 227 Ariz. 58, n.4, 251 P.3d 1045, 1048 n.4 (App. 2010) (declining to address argument not raised in petition for review); *see also State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (“Failure to argue a claim on appeal constitutes waiver of that claim.”).

¶5 The trial court thoroughly and correctly addressed Soucy’s claim that counsel was ineffective in failing to provide him with the documents he requested and his claim that he was illegally sentenced.<sup>1</sup> *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). Because the court’s ruling addressed those issues “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision”; instead we adopt it. *Id.*

¶6 Finally, we reject Soucy’s charge that the trial court abused its discretion in denying his motion to extend the time for his reply to the state’s response and in ruling on his petition before his reply was filed. Rule 32.6(b) allows a defendant to file a reply within fifteen days of receipt of the state’s response. Although Soucy’s signature on his motion suggests he may have requested an extension of time within those fifteen days, nothing in his motion constitutes “a showing of extraordinary circumstances” as required

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<sup>1</sup>On review, Soucy also contends for the first time that the trial court improperly enhanced his sentence because the state failed to provide him notice that it would seek an enhanced sentence and apparently asserts that a consecutive sentence was inappropriate. Because he did not raise these arguments below, we do not address them. *See State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980) (appellate court will not consider for first time on review issues neither presented to, nor ruled on by, trial court).

by Rule 32.6(b). Rather, he simply stated he was “extremely limited in resources d[ue] to incarceration” and needed more time. He cites no authority to suggest that this constitutes “extraordinary circumstances,” and we therefore cannot say the court abused its discretion in denying his motion. Thus, although we grant the petition for review, relief is denied.

/s/ Michael Miller

MICHAEL MILLER, Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Presiding Judge