

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

ERIC CHRISTOPHER ADAMS,
Petitioner.

No. 2 CA-CR 2014-0308-PR
Filed January 30, 2014

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Pima County
No. CR20103138001
The Honorable Deborah Bernini, Judge

REVIEW DENIED

COUNSEL

Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Respondent

Eric Christopher Adams, Tucson
In Propria Persona

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MEMORANDUM DECISION

Judge Vásquez authored the decision of the Court, in which Presiding Judge Kelly and Judge Howard concurred.

VÁSQUEZ, Judge:

¶1 Petitioner Eric Adams 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). Because Adams has not complied with Rule 32.9, we deny review.

¶2 Pursuant to a plea agreement, Adams was convicted of aggravated assault and criminal damage. In February 2011, the trial court suspended the imposition of sentence and placed Adams on probation for a period of three years. In March 2011 and July 2012, the state filed petitions to revoke probation, citing several alleged violations of Adams’s conditions of probation. On both occasions Adams admitted having violated his probation and was first placed back on probation, and subsequently sentenced to concurrent, presumptive terms of imprisonment, the longer of which was 3.5 years. The trial court credited Adams with 330 days of presentence incarceration.

¶3 Adams initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and concluded “no legal issues of merit exist[ed].” In a supplemental pro se petition, however, Adams claimed (1) the trial court had committed sentencing error, (2) he had received ineffective assistance of trial counsel, (3) his plea was “unlawfully induced,” (4) his right to not be twice placed in jeopardy had been violated, (5) the court lacked jurisdiction, (6) he was entitled to

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additional presentence incarceration time, and (7) his Rule 32 counsel was ineffective. The court summarily denied relief.

¶4 Adams has filed in this court a verbatim copy of his petition for post-conviction relief, merely changing the title to “Petition for Review.” Adams’s petition for review contains no description of the issues decided by the trial court or facts material to the consideration of those issues, and he does not explain how the court abused its discretion in rejecting his claims, as required by Rule 32.9(c)(1). Adams’s failure to comply with Rule 32.9 justifies our summary refusal to grant review. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must contain “reasons why the petition should be granted” and either appendix or “specific references to the record,” but shall not “incorporate any document by reference, except the appendices”), (f) (appellate review under Rule 32.9 discretionary); *see also* *State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review); *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 Therefore, we deny review.