

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

ANTHONY JACKSON,
Petitioner.

No. 2 CA-CR 2015-0485-PR
Filed February 11, 2016

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NOT FOR PUBLICATION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 Mohave County
No. CR20000796
The Honorable Richard Weiss, Judge

REVIEW GRANTED; RELIEF DENIED

Anthony Jackson, Buckeye
In Propria Persona

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MEMORANDUM DECISION

Judge Staring authored the decision of the Court, in which Presiding Judge Howard and Judge Espinosa concurred.

STARING, Judge:

¶1 Anthony Jackson petitions for review of the trial court's order summarily dismissing his untimely, successive petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. We grant review, but deny relief.

¶2 Pursuant to a plea agreement, Jackson was convicted of second-degree murder and sentenced to an eighteen-year prison term. He previously has initiated at least four post-conviction relief proceedings, and the instant one is both untimely and successive. *See* Ariz. R. Crim. P. 32.2, 32.4(a). The trial court dismissed his petition upon concluding all of his claims were precluded.

¶3 Jackson's petition for review merely consists of conclusory assertions that his claims are not precluded, and he fails to develop any argument relating any legal authority to the trial court's resolution of his specific claims for post-conviction relief. And the authorities he cites, including *State v. Pruett*, 185 Ariz. 128, 912 P.2d 1357 (App. 1995), are inapplicable to a successive Rule 32 proceeding like this one.¹ Jackson has therefore failed to meet his burden of showing the court abused its discretion in summarily dismissing his petition. *See State v. Bennett*, 213 Ariz. 562, ¶ 17, 146 P.3d 63, 67 (2006) (summary denial of post-conviction relief reviewed for abuse of discretion).

¹ *Pruett* involved the dismissal of a pleading defendant's second petition for post-conviction relief, alleging ineffective assistance of counsel in connection with his first petition, as well as the dismissal of a third petition before the deadline for identifying particular claims for relief. 185 Ariz. at 131-32, 912 P.2d at 1360-61.

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¶4 For the foregoing reasons, as well as those cited in the trial court's ruling, we grant review, but we deny relief.