

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

MOHAMMAD REZA AMIN-SOBHANI,
Petitioner.

No. 2 CA-CR 2016-0007-PR
Filed March 3, 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NOT FOR PUBLICATION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 Maricopa County
No. CR2011006170001DT
The Honorable Warren J. Granville, Judge

REVIEW DENIED

Mohammad R. Amin-Sobhani, Tucson
In Propria Persona

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MEMORANDUM DECISION

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

H O W A R D, Presiding Judge:

¶1 Petitioner Mohammad Amin-Sobhani 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). Amin-Sobhani has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Amin-Sobhani entered a plea of no contest, pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), and was convicted of securities fraud and two counts of fraudulent schemes and artifices. The trial court sentenced him to a total of 14.5 years' imprisonment, to be followed by a five-year term of probation. Amin-Sobhani thereafter initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating she had reviewed the case and was "unable to find any claims for relief to raise in post-conviction relief proceedings." In a pro se supplemental petition, however, Amin-Sobhani argued that he had received ineffective assistance of trial counsel and that his due process and speedy trial rights had been violated. The trial court summarily denied relief in May 2013.

¶3 In October 2013, Amin-Sobhani filed a "Motion to Request Rule 32 Proceedings be granted," again claiming he had received ineffective assistance of trial counsel. The trial court deemed the motion a second notice of post-conviction relief and dismissed the proceeding in November. In February 2014, Amin-Sobhani filed a "Motion for Delayed Rule 32 Post Conviction Relief" and another notice of post-conviction relief. The court summarily

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dismissed the third proceeding, explaining it was untimely and successive and finding Amin-Sobhani's claims of ineffective assistance of counsel and a breach of his plea agreement in relation to sentencing were therefore precluded and barred as untimely.

¶4 In his petition for review, Amin-Sobhani argues he received ineffective assistance of counsel in relation to his plea agreement and in his first Rule 32 proceeding. He asks this court to allow him "to file an untimely successive [R]ule 32 Post Conviction Relief Notice as well as a Petition." He does not explain, however, how the trial court erred in concluding his claims were precluded and untimely. See Ariz. R. Crim. P. 32.2(a)(2),(3) and 32.4(a). Nor does he provide any legal basis upon which this court could grant the requested relief. Amin-Sobhani's failure to comply in a meaningful way with the requirements of Rule 32.9(c)(1) justifies our summary refusal to accept 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"); Ariz. R. Crim. P. 32.9(f) (appellate review under Rule 32.9 discretionary); cf. *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 For the reasons stated, we deny review.