

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JAMES HUGHES,
Appellant.

No. 2 CA-CR 2016-0411
Filed October 13, 2017

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NOT FOR PUBLICATION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.

Appeal from the Superior Court in Cochise County

No. S0200CR201500239

The Honorable Wallace R. Hoggatt, Judge

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
Joseph T. Maziarz, Chief Counsel, Phoenix
By Diane Leigh Hunt, Assistant Attorney General, Tucson
Counsel for Appellee

James W. Hughes, Tucson
In Propria Persona

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Eppich concurred.

ECKERSTROM, Chief Judge:

¶1 After a jury trial, appellant James Hughes was convicted of two counts of theft from a vulnerable adult and one count each of fraudulent scheme and artifice, fraudulent use of a credit card, and unlawful use of a power of attorney. After finding he had a historical prior felony conviction, the trial court sentenced him to concurrent, “substantially mitigated” prison terms, the longest of which is 7.5 years. Hughes then filed this pro se appeal.¹ For the following reasons, we affirm his convictions and sentences.

¶2 On appeal, Hughes states as follows:

* I request a Federal review/audit of our² trial/case and I request the people of America to be the jury.

* The judicial misconduct by Judge Hoggatt, prosecutorial misconduct by Doug Clark, attorney misconduct by Kevin Oursland and Bruce Houston; all shall be brought to light for the world to see, including all the tremendous amount of perjury.

* The United States Constitution was violated, as well as the Arizona Constitution.

¹The trial court appointed an attorney to represent Hughes as advisory counsel on appeal.

²Hughes’s wife was his codefendant.

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* You now shall be judged by the owner of the law firm, that I am ambassador of. (Psalms 82:2, 8). Your only plea is to repent, confess, and call upon the Lord Jesus Christ or thou shalt be judged in the next life as well.

* Stricken this brief and you yourself shalt also be stricken (Psalms 89:14 & Isaiah 54:17).

* Your circus acts of injustice are ended.

* Your circus acts will haunt you the rest of your days. You hit my wife and I with your pi[ñ]ata stick of injustice. But instead of the sweet victory you thought you would enjoy. Instead of candy falling out, you will see it was really serpents and scorpions you shall receive.

¶3 As the state correctly contends in its answering brief, Hughes has not presented any meaningful argument for us to address on appeal.³ And even if Hughes's assertions could be construed as actual arguments, merely mentioning an argument is not, in any event, sufficient: "In Arizona, opening briefs must present significant arguments, supported by authority, setting forth an appellant's position on the issues raised. Failure to argue a claim usually constitutes abandonment and waiver of that claim." *State v. Carver*, 160 Ariz. 167, 175, 771 P.2d 1382, 1390 (1989). In addition, Hughes has not cited relevant "authorities . . . and parts of the record relied on" to support his purported arguments.⁴ Ariz. R. Crim. P. 31.13(c)(1)(vi).

³We note that, although Hughes states he has not received the trial transcript for day ten of his trial, that transcript is part of the record on appeal.

⁴To the extent Hughes intended the various correspondence and orders he attached as exhibits to his opening brief to support his arguments, we conclude they do not. First, he does not refer to them

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¶4 In the absence of any arguments to address on appeal, we affirm Hughes's convictions and sentences.

in his brief or in any way relate them to the assertions he raises therein. Second, many of the attached documents are ex parte communications Hughes sent to the trial court while he was represented by counsel, which the court repeatedly and properly refused to consider for, inter alia, that very reason. We likewise do not consider them. *See State v. Murray*, 184 Ariz. 9, 27, 906 P.2d 542, 560 (1995) (although trial court has discretion to permit hybrid representation, there is no constitutional or other right to it).