

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

DOWAN L. HALL,  
*Petitioner.*

No. 2 CA-CR 2017-0028-PR  
Filed February 27, 2017

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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NOT FOR PUBLICATION  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.*

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Petition for Review from the Superior Court in Maricopa County  
No. CR2008117014001DT  
The Honorable James T. Blomo, Judge

**REVIEW DENIED**

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COUNSEL

Dan W. Montgomery, Tucson  
*Counsel for Petitioner*

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**MEMORANDUM DECISION**

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

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S T A R I N G, Presiding Judge:

¶1 Petitioner Dowan Hall 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). Hall has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Hall was convicted of weapons misconduct and two counts of armed robbery. The trial court imposed consecutive and concurrent sentences totaling 35.75 years’ imprisonment. The convictions and sentences were affirmed on appeal. *State v. Hall*, Nos. 1 CA-CR 09-0861, 1 CA-CR 09-0862 (Ariz. App. Nov. 4, 2010) (consol. mem. decision).

¶3 In November 2014, Hall filed a notice of post-conviction relief, indicating in his notice that his failure to file a timely notice was without fault on his part, entitling him to relief under Rule 32.1(f), and raising a claim of ineffective assistance of counsel. Concluding Hall had not “provide[d] sufficient factual or legal basis to support” his claim pursuant to Rule 32.1(f), the trial court dismissed the notice as untimely.

¶4 On review, Hall does not explain on what basis he was entitled to relief under Rule 32.1(f), but rather asserts his claim of ineffective assistance of trial counsel. Such a claim arises under Rule 32.1(a), as Hall acknowledges. In an untimely proceeding such as this one, a defendant may only raise claims pursuant to Rule 32.1(d), (e), (f), (g), or (h). Ariz. R. Crim. P. 32.4(a). Because Hall has not

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explained how the trial court abused its discretion in concluding he had not properly raised such a claim in the notice, we deny review.