

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

JEFFERY STEVEN WILLIAMS,
Petitioner.

No. 2 CA-CR 2017-0039-PR
Filed April 12, 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NOT FOR PUBLICATION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.

Petition for Review from the Superior Court in Pinal County
No. S1100CR201200847
The Honorable Joseph R. Georgini, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Kent V. Volkmer, Pinal County Attorney
By Mark Mendoza, Deputy County Attorney, Florence
Counsel for Respondent

Jeffery S. Williams, Florence
In Propria Persona

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MEMORANDUM DECISION

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

H O W A R D, Presiding Judge:

¶1 Jeffery Williams seeks review of the trial court’s ruling summarily dismissing his untimely and successive petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly abused its discretion. *State v. Roseberry*, 237 Ariz. 507, ¶ 7, 353 P.3d 847, 848 (2015). Williams has not met his burden of demonstrating such abuse here.

¶2 In 2013, Williams pled guilty to sexual exploitation of a minor and two counts of attempted sexual exploitation of a minor based on his possession of child pornography. The trial court sentenced him to a seventeen-year prison term for the first offense and imposed lifetime terms of probation for his remaining offenses. In 2015, Williams filed a notice of and petition for post-conviction relief, which the court summarily denied. Williams did not timely seek review of that ruling.

¶3 In August 2016, Williams filed another notice of and petition for post-conviction relief, asserting his convictions were improper for various reasons because they did not involve an “actual minor” but instead only a “visual record depiction” of a minor. Citing Rule 32.1(f), he additionally asserted the trial court failed “to advise [him] of his rights to appeal and procedures for doing so” because the court had informed him he had given up the right to appeal by pleading guilty. The trial court summarily denied relief, and this petition for review followed.

¶4 On review, Williams reasserts his claim that his convictions were improper and broadly asserts the trial court violated

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his constitutional rights by denying that claim.¹ In this untimely proceeding, Williams was only permitted to raise claims pursuant to Rule 32.1(d) through (h). Ariz. R. Crim. P. 32.4(a). Williams identifies no such claims in his petition for review. And, although he cited Rule 32.1(f) in his petition below, he has not developed any argument that his failure to seek post-conviction relief was without fault on his part. The court did not err in summarily denying his most-recent petition for post-conviction relief.

¶5 We grant review but deny relief.

¹Williams additionally asserts the court erred by not appointing counsel in his first post-conviction proceeding. This claim was not raised below, and we therefore do not address it. *See State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980); *see also* Ariz. R. Crim. P. 32.9(c)(1)(ii) (petition for review shall contain “[t]he issues which were decided by the trial court and which the defendant wishes to present” for review).