

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

ANANT KUMAR TRIPATI,
Petitioner.

No. 2 CA-CR 2018-0195-PR
Filed August 29, 2018

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NOT FOR PUBLICATION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. 31.19(e).

Petition for Review from the Superior Court in Maricopa County
Nos. CR1992008576 and CR1992009620
The Honorable John Rea, Judge

REVIEW GRANTED; RELIEF DENIED

Anant Kumar Tripathi, Florence
In Propria Persona

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MEMORANDUM DECISION

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

E P P I C H, Judge:

¶1 Anant Tripati seeks review of the trial court's order summarily dismissing his untimely and successive "Notice and Petition for Rule 32 - Discovery," filed pursuant to Rule 32, Ariz. R. Crim. P. Although we accept review, because we agree with the court that Tripati's claim is not cognizable under Rule 32, we deny relief.

¶2 After a jury trial in 1993, Tripati was convicted of one count of fraudulent schemes and artifices, one count of false swearing, and two counts of attempted fraudulent schemes and artifices, and was sentenced to concurrent and consecutive prison terms totaling 52.5 years. Tripati has filed numerous successive Rule 32 petitions,¹ including the underlying petition received by the trial court in March 2018, in which he asserted the prison's failure to treat his various medical conditions constitutes cruel and unusual punishment and that he is entitled to additional discovery regarding this claim. The court dismissed Tripati's petition, concluding he had failed to raise any issue cognizable under Rule 32.1. This petition for review followed.

¶3 On review, Tripati contends the trial court "erred" in denying his petition. He asserts the sentences imposed did not authorize "the state to continuously inflict punishment such as denial of treatment for serious medical needs," and that he is entitled to additional discovery to support his claim. We agree with the court that Tripati's claim is not cognizable under Rule 32. *See* Ariz. R. Crim. P. 32.1. His claim does not implicate his convictions or sentences, but, rather, concerns the alleged post-trial denial of his rights in prison.

¶4 Nor does Tripati assert that his claim, raised in what appears to be his twenty-first post-conviction proceeding, falls within any of the

¹Although it is not entirely clear, it appears Tripati has initiated approximately twenty prior Rule 32 proceedings.

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exceptions to preclusion. *See* Ariz. R. Crim. P. 32.1(d)-(h), 32.4(a). Therefore, the trial court did not err in summarily dismissing Tripati's petition. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015) (post-conviction relief rulings reviewed for abuse of discretion).

¶5 Accordingly, we grant review but deny relief.