

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

---

THE STATE OF ARIZONA,  
*Respondent,*

*v.*

JOSE CASTILLO-TORRES,  
*Petitioner.*

No. 2 CA-CR 2019-0009-PR  
Filed April 8, 2019

---

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NOT FOR PUBLICATION  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 Pima County  
No. CR20143665001  
The Honorable Howard Fell, Judge Pro Tempore

**REVIEW DENIED**

---

Jose Castillo-Torres, Florence  
*In Propria Persona*

STATE v. CASTILLO-TORRES  
Decision of the Court

---

**MEMORANDUM DECISION**

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

---

ESPINOSA, Judge:

¶1 Jose Castillo-Torres seeks review of the trial court’s order summarily dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We deny review.

¶2 After a jury trial, Castillo-Torres was convicted of six counts of child molestation and sentenced to concurrent, seventeen-year prison terms for each count. We affirmed his convictions and sentences on appeal. *State v. Castillo-Torres*, No. 2 CA-CR 2016-0189 (Ariz. App. Feb. 2, 2017) (mem. decision).

¶3 Castillo-Torres sought post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record but had not found “any claims for relief to raise in Rule 32 post-conviction proceedings.” Castillo-Torres filed a pro se petition arguing trial counsel had been ineffective in failing to “properly investigate” the victim’s “motive to falsely accuse” him, not seeking to admit evidence of the victim’s sexual conduct as impeachment evidence, and not cross-examining the victim concerning purported “inconsistent statements.” He also claimed trial and appellate counsel had been ineffective in failing to challenge the constitutionality of A.R.S. § 13-1410 because it did not require the state to prove he had acted with “sexual intent.” He later amended his petition to assert he was entitled to relief due to recent legislative changes that he claimed now required the state to “prove, as an element of child molestation, the element of sexual intent.” The trial court summarily dismissed the petition, finding Castillo-Torres had not presented a colorable claim; this petition for review followed.

¶4 On review, Castillo-Torres briefly summarizes his claim that counsel failed to adequately prepare and present his defense and asserts

STATE v. CASTILLO-TORRES  
Decision of the Court

that it is “clear that trial counsel was ineffective.”<sup>1</sup> He does not, however, identify any error in the trial court’s reasoning. Castillo-Torres’s failure to develop any legal argument in support of his petition justifies our summary refusal to grant review. See Ariz. R. Crim. P. 32.9(c)(4)(B)(iv) (petition for review must contain “reasons why the appellate court should grant the petition, including citations to supporting legal authority, if known”), (f) (appellate review under Rule 32.9 is discretionary); see also *State v. Stefanovich*, 232 Ariz. 154, ¶ 16 (App. 2013) (insufficient argument waives claim on review). Nor is Castillo-Torres correct that we (or the trial court) are required to “treat [his] petition[s] less stringently than a petition prepared by an attorney.” Instead, “[w]e hold unrepresented litigants in Arizona to the same standards as attorneys.” *Flynn v. Campbell*, 243 Ariz. 76, ¶ 24 (2017).

¶5 For the first time on review, Castillo-Torres also contends that his decision to forego a guilty plea was involuntary due to counsel’s deficient performance. But we do not address claims raised for the first time on review. See *State v. Ramirez*, 126 Ariz. 464, 468 (App. 1980).

¶6 Review denied.

---

<sup>1</sup>Castillo-Torres has abandoned the other claims raised in his petition for post-conviction relief.