

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

KENNETH CARL BEATTY,
Petitioner.

No. 2 CA-CR 2019-0124-PR
Filed August 20, 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NOT FOR PUBLICATION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 Cochise County
No. S0200CR201400381
The Honorable John F. Kelliher Jr., Judge

REVIEW DENIED

Kenneth Carl Beatty, Sierra Vista
In Propria Persona

STATE v. BEATTY
Decision of the Court

MEMORANDUM DECISION

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

STARING, Presiding Judge:

¶1 Kenneth Beatty seeks review of the trial court’s order declining to act upon a series of letters he sent the court following the court’s summary dismissal of his untimely notice of and petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We deny review.

¶2 After a jury trial, Beatty was convicted of second-degree trafficking in stolen property and placed on a three-year term of probation. In the same case, he pled guilty to possession of a narcotic drug and was placed on a concurrent, three-year probation term. We affirmed his trafficking conviction and the court’s disposition, correcting the disposition minute entry to correct the date of his theft offense to October 4, 2012, instead of September 23, 2012. *State v. Beatty*, No. 2 CA-CR 2015-0391 (Ariz. App. Aug. 26, 2016) (mem. decision).

¶3 In February 2018, Beatty admitted violating the terms of his probation; the trial court revoked probation on both convictions and sentenced him to concurrent, 2.25-year prison terms. Nearly four months later, in June, Beatty filed a petition for post-conviction relief seeming to attack the facts underlying his trafficking conviction and complaining about the conduct of his trial counsel and probation officer. The trial court summarily dismissed the petition, and Beatty did not seek review of that ruling. He instead filed a notice of post-conviction relief raising similar issues. The court dismissed the notice.

¶4 Rather than seek review, Beatty sent a series of letters over several months to the trial court in which he asserted his original petition had been timely, the court had erred in calculating the timeliness of the petition from the time of his original disposition rather than his probation revocation and sentencing, and that he was innocent. The court issued a “finding” stating it had reviewed those letters and concluded from “what it could decipher,” that Beatty was “not asking the Court for any sort of

STATE v. BEATTY
Decision of the Court

relief, thus the Court takes no further action.” This petition for review followed.

¶5 In his petition for review, Beatty generally complains that he “was poorly represented” by counsel and asserts his innocence of trafficking in stolen property. He also complains that the trial court “ha[d] no right to sit on the bench,” apparently due to favoritism toward the state. To the extent Beatty seeks review of the court’s rulings dismissing his notice of and petition for post-conviction relief, his petition for review is untimely. *See* Ariz. R. Crim. P. 32.9(c)(1)(A). And, even if the letters Beatty sent the court could be construed as further attempts to obtain post-conviction relief, his petition for review does not comply with our rules by citing authority or offering argument that the court erred by declining to address the issues raised in those letters. *See* Ariz. R. Crim. P. 32.9(c)(4)(B)(iii). The failure to comply with our rules or present meaningful argument justifies our summary denial of review. *See State v. French*, 198 Ariz. 119, ¶ 9 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of petitions for review), disapproved on other grounds by *Stewart v. Smith*, 202 Ariz. 446, ¶ 10 (2002); *see also State v. Stefanovich*, 232 Ariz. 154, ¶ 16 (App. 2013) (insufficient argument waives claim).

¶6 We deny review.