

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

CHRISTY NICOLE SIMENTAL,  
*Petitioner.*

No. 2 CA-CR 2020-0163-PR  
Filed September 30, 2020

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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NOT FOR PUBLICATION  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. 31.19(e).*

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Petition for Review from the Superior Court in Maricopa County  
Nos. CR1991008017 and CR1994010747  
The Honorable George H. Foster Jr., Judge

**REVIEW DENIED**

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Christy Simental, Goodyear  
*In Propria Persona*

**MEMORANDUM DECISION**

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

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E P P I C H, Presiding Judge:

¶1 Following the trial court’s summary dismissal of her notice of and petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P.,<sup>1</sup> Christy Simental filed a document in this court requesting relief. We deny review.

¶2 In CR1991008017, Simental pled guilty to possession of marijuana for sale, and the trial court suspended the imposition of sentence and placed Simental on a four-year probation term. The court revoked probation after Simental was found guilty of two counts each of first-degree murder and kidnapping in CR1994010747. The trial court sentenced Simental to a four-year prison term in CR1991008017, to run consecutively to the terms imposed in CR1994010747: consecutive life terms without the possibility of release for twenty-five years for the murders and, for the kidnappings, 10.5-year prison terms to run concurrently to Simental’s second life term. This court affirmed on appeal the revocation of probation, her convictions, and her sentences. *State v. Simental*, Nos. 1 CA-CR 96-0067, 1 CA-CR 96-0092 (Ariz. App. July 11, 1996) (consol. mem. decision).

¶3 Before this proceeding, Simental has sought and been denied post-conviction relief four times, most recently in 2016. In May 2019, Simental filed a notice of and petition for post-conviction relief, including both cause numbers. In her notice, Simental indicated she was raising claims under Rule 32.1(d) through (h). In her petition, she argued the prosecutor in CR1994010747 had committed misconduct and her murder

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<sup>1</sup> Effective January 1, 2020, our supreme court amended the post-conviction relief rules. Ariz. Sup. Ct. Order R-19-0012 (Aug. 29, 2019). The amendments apply to all cases pending on the effective date unless a court determines that “applying the rule or amendment would be infeasible or work an injustice.” *Id.* “Because it is neither infeasible nor works an injustice here, we cite to and apply the current version of the rules.” *State v. Mendoza*, 249 Ariz. 180, n.1 (App. 2020).

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convictions violated double jeopardy. The trial court summarily dismissed her notice and petition. It noted Simental had not supported any of her claims under Rule 32.1(d) through (h), and that her arguments under Rule 32.1(a) were precluded.

¶4 Simental then filed in this court an untitled document detailing various purported errors in her case. Insofar as this document seeks review of the trial court's order dismissing her most-recent effort to obtain post-conviction relief, it does not comply in any meaningful way with Rule 32.16(c)(2). Accordingly, our summary denial of review is justified. *See* Ariz. R. Crim. P. 32.16(k) (appellate review under Rule 32.16 discretionary); *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). Insofar as she requests that we grant relief for the errors she identifies in that filing, this court will not address claims not first raised in the trial court and properly presented to this court for review. *See State v. Ramirez*, 126 Ariz. 464, 468 (App. 1980).

¶5 We deny review.