

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

JOHN LEO MEYERS,  
*Petitioner.*

No. 2 CA-CR 2020-0179-PR  
Filed October 26, 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NOT FOR PUBLICATION  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 Coconino County  
No. CR201601045  
The Honorable Dan R. Slayton, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

William P. Ring, Coconino County Attorney  
By Mark Huston, Deputy County Attorney, Flagstaff  
*Counsel for Respondent*

John Leo Meyers, Eloy  
*In Propria Persona*

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MEMORANDUM DECISION

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

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ECKERSTROM, Judge:

¶1 John Meyers seeks review of the trial court’s order denying his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P.<sup>1</sup> We will not disturb that ruling unless the court abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015). Meyers has not met his burden of establishing such abuse here.

¶2 After a jury trial, Meyers was convicted of attempted second degree murder and two counts of aggravated assault. The trial court sentenced him to concurrent prison terms, the longest of which is twelve years. This court affirmed his convictions and sentences on appeal. *State v. Meyers*, No. 1 CA-CR 17-0210 (Ariz. App. Feb. 27, 2018) (mem. decision).

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<sup>1</sup> Our supreme court amended the post-conviction relief rules, effective January 1, 2020. 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.’” *State v. Mendoza*, 249 Ariz. 180, n.1 (App. 2020) (quoting Ariz. Sup. Ct. Order R-19-0012). “Because it is neither infeasible nor works an injustice in this case, we cite to and apply the current version of the rules.” *Id.*

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¶3 In March 2018, Meyers filed a notice of post-conviction relief. In his petition, Meyers raised several claims of ineffective assistance of trial counsel, including that counsel had failed to present testimony from an expert witness on Navajo lore, to investigate and present a coherent defense of self-defense, and to object to the preclusion of evidence of the victim's history of violence and motive to attack Meyers. The trial court summarily dismissed Meyers's petition, finding none of the claims colorable. Meyers filed a motion for rehearing, which the court also denied. This petition for review followed.

¶4 On review, Meyers challenges the trial court's self-defense instruction. He argues that the word "deadly" as used in the instruction was "factually and legally incorrect" and that the prosecutor committed misconduct related thereto. Meyers also suggests that his trial, appellate, and Rule 32 counsel were ineffective in not raising this issue and that he was denied due process of law.

¶5 However, Meyers did not raise any of these arguments below. We therefore do not address them. *See State v. Ramirez*, 126 Ariz. 464, 468 (App. 1980) (court of appeals does not address issues raised for first time in petition for review); *see also* Ariz. R. Crim. P. 32.16(c)(2)(B) (petition for review must contain "issues the trial court decided that the defendant is presenting for appellate review"). Because Meyers does not challenge any

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portion of the trial court's order, we likewise do not address it. *See State v. Rodriguez*, 227 Ariz. 58, n.4 (App. 2010) (declining to address argument not raised in petition for review).

¶6 Accordingly, we grant review but deny relief.