

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

RAYVON VIRGIL COTTON,
Petitioner.

No. 2 CA-CR 2021-0010-PR
Filed February 11, 2021

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NOT FOR PUBLICATION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
No. CR2014001795001DT
The Honorable Michael J. Herrod, Judge

REVIEW DENIED

Rayvon Virgil Cotton, San Luis
In Propria Persona

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MEMORANDUM DECISION

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

E P P I C H, Presiding Judge:

¶1 Rayvon Cotton files a petition for review purportedly seeking review of the trial court’s order dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P.¹ We will not disturb that ruling unless the court abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015). Because Cotton has not complied with Rule 32, we deny review.

¶2 After a jury trial in 2015, Cotton was convicted of second-degree murder. The trial court sentenced him to life imprisonment. We affirmed Cotton’s conviction and sentence on appeal. *State v. Cotton*, No. 1 CA-CR 15-0555 (Ariz. App. June 29, 2017) (mem. decision). In 2017, Cotton filed a notice of post-conviction relief, and appointed counsel filed a petition for post-conviction relief raising claims of ineffective assistance of trial counsel. Following an evidentiary hearing, the trial court denied Cotton’s petition in a detailed minute entry ruling, explaining why he had not sustained his burden of showing ineffective assistance of counsel.

¶3 Cotton then filed what purports to be a petition for review. In that pleading, he asserts his innocence and asks this court to “take a good look at what happened with [his] whole case from trial to the end.” Notably, Cotton does not refer to his Rule 32 petition or the evidentiary hearing, much less mention the trial court’s ruling or why he believes the court improperly denied his petition. *See Ariz. R. Crim. P. 32.16(c)(2)(A)*,

¹ 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 here, we cite to and apply the current version of the rules.” *Id.*

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(B), (C), (D) (petition for review must contain copy of trial court's ruling; statement of issues trial court decided that defendant is presenting for review; statement of material facts with references to the record; and, reasons why appellate court should grant petition); *Roseberry*, 237 Ariz. 507, ¶ 7. Cotton's failure to comply with Rule 32.16 justifies our refusal to grant review. See Ariz. R. Crim. P. 32.16(k) (describing appellate review under Rule 32.16 as 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); cf. *State v. Stefanovich*, 232 Ariz. 154, ¶ 16 (App. 2013) (insufficient argument waives claim on review).

¶4 Accordingly, we deny review.