

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

RONALD LEE ROBINSON,  
*Petitioner.*

No. 2 CA-CR 2021-0044-PR  
Filed September 23, 2021

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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NOT FOR PUBLICATION  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 Pinal County  
No. S1100CR201801834  
The Honorable Christopher J. O'Neil, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Kent P. Volkmer, Pinal County Attorney  
By Geraldine L. Roll, Deputy County Attorney, Florence  
*Counsel for Respondent*

Ronald Robinson, Buckeye  
*In Propria Persona*

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MEMORANDUM DECISION

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

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BREARCLIFFE, Judge:

¶1 Ronald Robinson seeks review of the trial court’s ruling summarily dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that order unless the court abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015). Robinson has not shown such abuse here.

¶2 After a jury trial, Robinson was convicted of possession of methamphetamine and drug paraphernalia and was sentenced to concurrent prison terms, the longer of which is ten years. We affirmed his convictions and sentences on appeal. *State v. Robinson*, No. 2 CA-CR 2019-0099 (Ariz. App. Apr. 23, 2020) (mem. decision).

¶3 Robinson sought post-conviction relief and appointed counsel filed a notice stating he had found no colorable claims to raise under Rule 32. Robinson then filed a form pro se petition in which he checked boxes indicating he was raising various constitutional claims, including that there had been an unconstitutional search and seizure, that his right against self-incrimination had been violated, and that his sentence had been improperly enhanced based on prior convictions. He did not explain these claims, but further asserted his appellate counsel had failed to assert a claim of ineffective assistance of trial counsel and the trial court had erred in its ruling after an evidentiary hearing. The court summarily dismissed the proceeding concluding that the bulk of Robinson’s claims were precluded, that trial counsel had “thoroughly and effectively litigated” issues concerning Robinson’s arrest and the stop leading to that arrest, and that appellate counsel had not been “ineffective for declining to raise these meritless issues on appeal.” This petition for review followed.

¶4 On review, Robinson lists various trial arguments and asserts that, because he is “now precluded from raising” them despite his efforts to convince appellate counsel to do so, he has raised a colorable claim of ineffective assistance of counsel. “To state a colorable claim of ineffective assistance of counsel, a defendant must show both that counsel’s performance fell below objectively reasonable standards and that this

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deficiency prejudiced the defendant.” *State v. Bennett*, 213 Ariz. 562, ¶ 21 (2006) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). “Failure to satisfy either prong of the *Strickland* test is fatal to an ineffective assistance of counsel claim.” *Id.* To establish prejudice, a defendant must show “a ‘reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.’” *Id.* ¶ 25 (quoting *Strickland*, 466 U.S. at 694). “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Id.* (quoting *Strickland*, 466 U.S. at 694). And, to establish prejudice under the second prong of *Strickland*, defendant cannot meet that burden by “mere speculation.” *State v. Rosario*, 195 Ariz. 264, ¶ 23 (App. 1999).

¶5 Robinson has not met this standard for any of the arguments he identifies. In his petition below and his petition for review, he has made no effort to establish that competent counsel would have raised these issues on appeal, much less that he would have been entitled to relief had counsel done so. Accordingly, the trial court did not err in summarily dismissing his petition.

¶6 We grant review but deny relief.