

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

GREGG CONRAD MIRANDA,
Petitioner.

No. 2 CA-CR 2023-0004-PR
Filed March 30, 2023

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NOT FOR PUBLICATION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 Pima County
Nos. CR066383 and CR066755
The Honorable D. Douglas Metcalf, Judge

REVIEW DENIED

Gregg C. Miranda, Eloy
In Propria Persona

MEMORANDUM DECISION

Vice Chief Judge Staring authored the decision of the Court, in which Judge Sklar and Judge O’Neil concurred.

S T A R I N G, Vice Chief Judge:

¶1 Gregg Miranda seeks review of the trial court’s orders summarily dismissing his successive petition for post-conviction relief and its denial of his motion for rehearing filed pursuant to Rule 33, Ariz. R. Crim. P. We deny review.

¶2 Pursuant to a plea agreement in 1999, Miranda was convicted of first-degree murder and robbery. Consistent with the terms of the plea agreement, the trial court sentenced him to natural life in prison for the murder, to be followed by a 2.5-year sentence for the robbery. In March 2000, Miranda filed his first notice of and petition for post-conviction relief, raising claims of ineffective assistance of counsel and newly discovered evidence. In July 2001, the court dismissed Miranda’s petition pursuant to his request.

¶3 More than twenty years later, in October 2021, Miranda filed another notice of post-conviction relief, requesting earned release credits, an argument the trial court construed as one based on a significant change in the law under Rule 33.1(g). The court granted Miranda leave to file a successive petition but declined his request for counsel.

¶4 In March 2022, Miranda filed a pro se petition raising multiple claims, including that he had received ineffective assistance of trial and Rule 33 counsel, that his sentence was not authorized by law and the trial court had erred at the time of sentencing, that the prosecutor had committed misconduct, and that his guilty plea was not knowing, voluntary, and intelligent. In the “summation” portion of his petition, Miranda asserted he was raising claims based on Rule 33.1(a), (c), (e), (f), and (g) and requested, among other things, that the court vacate his convictions and sentences. In an order filed in October 2022, the court dismissed Miranda’s petition, concluding he had failed to state a colorable claim for relief. Miranda filed a motion for rehearing, which the court impliedly denied in a December 2022 ruling, in which it explained its reasoning for dismissing Miranda’s claims. This petition for review followed.

¶5 The arguments in Miranda’s petition for review are nearly verbatim of those in his petition for post-conviction relief, albeit with some changes in the order of some of his arguments. And notably, although Miranda refers generally to the existence of the trial court’s ruling, he does not state why he believes the court improperly dismissed his petition or explain how it abused its discretion by doing so. See Ariz. R. Crim. P. 33.16(c)(2)(D) (petition for review must contain “reasons why the appellate court should grant the petition”); see also *State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015) (appellate court reviews trial court’s denial of post-conviction relief for abuse of discretion). Miranda’s failure to comply with Rule 33.16 justifies our refusal to grant review. See Ariz. R. Crim. P. 33.16(k) (describing appellate review under Rule 33.16 as discretionary); *State v. French*, 198 Ariz. 119, ¶ 9 (App. 2000) (summarily rejecting claims not complying with rule 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).

¶6 We therefore deny review.