

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

STEPHEN CARL CAMP,
Petitioner.

No. 2 CA-CR 2023-0043-PR
Filed April 28, 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NOT FOR PUBLICATION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
No. CR20154040001
The Honorable Casey F. McGinley, Judge

REVIEW GRANTED; RELIEF DENIED

Stephen C. Camp, Kingman
In Propria Persona

STATE v. CAMP
Decision of the Court

MEMORANDUM DECISION

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

S K L A R, Judge:

¶1 Stephen Camp seeks review of the trial court’s orders summarily dismissing his petition for post-conviction relief filed pursuant to Rule 33, Ariz. R. Crim. P., and denying his motion for rehearing. We will not disturb those rulings unless the court abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015). Camp has not met his burden of establishing such abuse here.

¶2 In 2017, Camp pled guilty to child molestation and attempted child molestation, dangerous crimes against children. *See* A.R.S. § 13-705(R), (T)(1)(d). The trial court sentenced him to a seventeen-year prison term for child molestation and, for the attempt conviction, suspended the imposition of sentence and placed Camp on lifetime probation. In 2022, Camp filed a pro se notice of and petition for post-conviction relief, in which he asserted that recent changes to A.R.S. § 13-702(D) were newly discovered material facts and a significant change in the law entitling him to be resentenced. He attached to his petition a photocopy of a 2021 session law modifying A.R.S. § 13-703. *See* 2021 Ariz. Sess. Laws, ch. 107, § 1. Section 13-702 has not been amended since 2008.

¶3 The trial court appointed counsel and directed counsel to “supplement the pro se petition.” Counsel filed a notice stating she had reviewed the record and “found no issues of merit” to raise in a post-conviction proceeding. The court then permitted Camp to file a pro se petition. Camp filed several more documents repeating his claim that he was entitled to be resentenced as a first-time felony offender under § 13-702(D).

¶4 The trial court summarily denied relief. It concluded that any change to § 13-703 did not apply to Camp because he had been sentenced under § 13-705 and, in any event, would not apply retroactively. It noted, however, that the plea agreement and indictment did not contain a citation to § 13-705, although both described his offenses as dangerous crimes against children, as did “the record made during the change of plea.”

STATE v. CAMP
Decision of the Court

¶5 Camp filed a motion for rehearing arguing his post-conviction counsel had been ineffective and claiming his indictment and plea agreement were defective because they did not include a citation to § 13-705. The trial court denied the motion, noting Camp should raise his claim of ineffective assistance of counsel in a new post-conviction proceeding and Camp had sufficient notice that his offenses were dangerous crimes against children. This petition for review followed.

¶6 On review, Camp repeats his sentencing claim and the claims he raised in his motion for rehearing. But Camp has not identified any error in the trial court's thorough and correct rulings detailing and rejecting those claims. Accordingly, we adopt the court's rulings. *See State v. Whipple*, 177 Ariz. 272, 274 (App. 1993) (when trial court has correctly ruled on issues raised "in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court rehashing the trial court's correct ruling in a written decision"). We write further only to observe that, to the extent Camp has asserted that he should have been sentenced under § 13-702 as a first-time felony offender, he is not entitled to relief. Even assuming Camp could raise this claim years after his sentencing, the record unambiguously demonstrates that he was charged with and pled guilty to dangerous crimes against children and thus was subject to sentencing under § 13-705.

¶7 We grant review but deny relief.