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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arron Shawn Bossardet,)	No. CV 10-620-TUC-FRZ
Petitioner,)	ORDER
vs.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Before the Court for consideration is the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by Petitioner Arron Shawn Bossardet,¹ through the representation of counsel, and the Report and Recommendation of the Magistrate Judge, recommending the dismissal of the Petition.

Petitioner was convicted by jury in state court of first degree murder, aggravated assault with a deadly weapon, and three counts of kidnapping, and sentenced by the state trial court to concurrent and consecutive terms of imprisonment totaling natural life plus 10.5 years.

This matter was referred to Magistrate Judge Glenda E. Edmonds, pursuant to the provisions of 28 U.S.C. § 636(b), Rule 72, Fed.R.Civ.P., and Local Rules 72.1 and 72.2 of the Rules of Practice of the United States District Court for the District of Arizona, for further proceedings and report and recommendation.

¹The Report and Recommendation and Respondent’s Answer incorrectly spelled Petitioner’s first name as “Aaron.” The record shall reflect that the correct spelling is Arron.

1 Magistrate Judge Edmonds issued her Report and Recommendation, recommending
2 that the Court, after its independent review of the record, enter an order denying the Petition
3 for Writ of Habeas on the merits of the five grounds presented, based on the findings (1) that
4 trial counsel was not ineffective on the 11 issues presented; (2) newly discovered evidence
5 of post traumatic stress disorder does not constitute a cognizable claim; (3) the trial court’s
6 failure to instruct the jury on the “mere presence” defense *sua sponte* was not error; (4) the
7 prosecutor’s alleged improper vouching did not violate due process; and (5) Petitioner’s
8 natural life sentence does not violate the Eighth Amendment.

9 The Report and Recommendation sets forth a thorough factual and procedural history
10 of Petitioner’s state court proceedings and the convictions at issue, with proper citation to the
11 state court record, and further provides a thorough analysis under the applicable legal
12 standards of the issues presented in this extensively briefed and documented record.

13 Petitioner filed his Objection to Magistrate Report and Recommendation, pursuant to
14 28 U.S.C. § 636 and Rule 72(b)(2), Fed.R.Civ.P., objecting to the legal conclusions set forth
15 in the Report and Recommendation.

16 After consideration of the matters presented and an independent review of the record
17 herein, including Petitioner’s objection, the Court finds hat the Report and Recommendation
18 shall be adopted, thereby denying the Petition for Writ of Habeas Corpus on the merits, and
19 dismissing this action in accordance with the recommendations and findings set forth therein.
20 Accordingly,

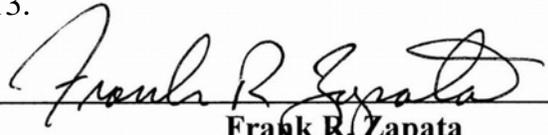
21 **IT IS ORDERED** that Magistrate Judge Edmond’s Report and Recommendation (Doc.
22 30) is hereby **ACCEPTED AND ADOPTED** as the findings of fact and conclusions of law
23 by this Court;

24 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus is hereby
25 **DENIED**; judgment shall be entered accordingly;

26 **IT IS FURTHER ORDERED** that, if Petitioner appeals the denial of his petition for
27 habeas relief, any request for certificate of appealability shall be denied based on the Court’s
28 determination of the claims presented on the merits and that Petitioner has failed to make the

1 requisite substantial showing of a denial of a constitutional right on the grounds presented.
2 See 28. U.S.C. § 2253(c).

3
4 DATED this 9th day of July, 2013.

5 
6 **Frank R. Zapata**
7 **Senior United States District Judge**

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