

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

JAMES RANDALL HALSTEAD,
Petitioner.

No. 2 CA-CR 2016-0241-PR
Filed October 5, 2016

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NOT FOR PUBLICATION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. 31.24.

Petition for Review from the Superior Court in Pima County

No. CR20063730

The Honorable Richard D. Nichols, Judge

REVIEW DENIED

James Halstead, Florence
In Propria Persona

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MEMORANDUM DECISION

Judge Staring authored the decision of the Court, in which Presiding Judge Howard and Judge Espinosa concurred.

STARING, Judge:

¶1 Petitioner James Halstead seeks review of the trial court's order dismissing his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. "We will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Because Halstead has not complied with Rule 32.9, we deny review.

¶2 Following a jury trial, Halstead was convicted of three counts of sexual conduct with a minor under the age of twelve and one count of furnishing obscene or harmful items to a minor. The trial court sentenced Halstead to three consecutive terms of life imprisonment for the sexual conduct convictions and a concurrent, 2.5-year prison term for furnishing obscene or harmful items to a minor. We affirmed his convictions and sentences on appeal, *State v. Halstead*, No. 2 CA-CR 2008-0228 (Ariz. App. June 1, 2009) (mem. decision), and denied relief on his petition for review of the trial court's denial of his first petition for post-conviction relief, *State v. Halstead*, No. 2 CA-CR 2010-0314-PR (Ariz. App. Mar. 8, 2011) (mem. decision).

¶3 Almost five years later, Halstead filed a successive post-conviction petition challenging the testimony of the state's expert witness and apparently asserting that "defense counsel" had been ineffective. Halstead has filed in this court a verbatim copy of his petition for post-conviction relief, merely changing the title from "Motion for Post-Conviction Relief (Rule 32)" to "Petition for Review." Halstead's petition for review contains no description of the issues decided by the trial court or facts material to the

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consideration of those issues, and he does not explain how the court abused its discretion in rejecting his claims, as required by Rule 32.9(c)(1). Halstead's failure to comply with Rule 32.9 justifies our summary refusal to grant review. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must contain "reasons why the petition should be granted" and "specific references to the record," but shall not "incorporate any document by reference, except the appendices"), (f) (appellate review under Rule 32.9 discretionary); *see also State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review); *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (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, 46 P.3d 1067, 1071 (2002).

¶4 Therefore, we deny review.