

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

TIMOTHY LANE BENTLEY,
Petitioner.

No. 2 CA-CR 2013-0404-PR
Filed April 14, 2014

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NOT FOR PUBLICATION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); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Pinal County

No. S1100CR201201150

The Honorable Robert C. Brown, Judge Pro Tempore

REVIEW DENIED

COUNSEL

M. Lando Voyles, Pinal County Attorney
By Rosemary Gordon Pánuco, Appellate Bureau Chief, Florence
Counsel for Respondent

Timothy L. Bentley, Florence
In Propria Persona

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MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Chief Judge Howard and Presiding Judge Vásquez concurred.

M I L L E R, Judge:

¶1 Timothy Bentley petitions this court for review of the trial court's order summarily dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly has abused its discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Bentley has not met his burden of demonstrating such abuse here.

¶2 Bentley pled guilty to two counts of attempted child molestation and was sentenced to a ten-year prison term for one count and placed on lifetime probation for the remaining count. He filed a notice of post-conviction relief, and appointed counsel filed a petition claiming the sentencing court had not properly "balance[d] the aggravating and mitigating circumstances" in imposing the presumptive, ten-year prison term. The trial court summarily denied relief, stating it had "reviewed the aggravating and mitigating factors in this matter" and found "that the sentencing judge did not abuse his discretion in this case."

¶3 In his pro se petition for review, Bentley claims that he "is not trained in the law" and asks us to "review the entire record in this case," noting he "has been advised that there are issues of ineffective Rule 32 appellate counsel, and abuse of discretion in the trial court's denial" of several trial motions. He does not identify the issues he raised below, provide any facts relevant to those claims, or develop any argument in support of them. *See Ariz. R. Crim. P. 32.9(c)(1)* (petition for review must contain "reasons why the petition should be granted" and either appendix or "specific references to the record").

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¶4 The few claims Bentley does identify were not raised below; accordingly, we will not address them. *See State v. Ramirez*, 126 Ariz. 464, 467-68, 616 P.2d 924, 927-28 (App. 1980). And, although in his reply to the state's response Bentley repeats his argument that the trial court did not give sufficient weight to mitigating factors in imposing a presumptive sentence, we need not address claims raised for the first time in a reply. *See State v. Cohen*, 191 Ariz. 471, ¶ 13, 957 P.2d 1014, 1017 (App. 1998). Bentley's failure to comply with Rule 32.9(c) or to develop any meaningful legal argument in his petition for review compels our decision to summarily deny review. *See 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).

¶5 Thus, for the reasons stated, we deny review.