

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

ROBERT WILLIAM DUTCHER,  
*Petitioner.*

No. 2 CA-CR 2014-0095-PR  
Filed July 16, 2014

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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NOT FOR PUBLICATION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.*

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Petition for Review from the Superior Court in Pima County

No. CR021173

The Honorable Christopher Browning, Judge

**REVIEW DENIED**

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Robert William Dutcher, Florence  
*In Propria Persona*

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**MEMORANDUM DECISION**

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

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ECKERSTROM, Chief Judge:

¶1 Petitioner Robert Dutcher seeks review of the trial court's order denying the following motions, filed in January 2014: (1) "Motion for Release of Lien on Real Property"; (2) "Motion for Disclosure and Discovery, pursuant to FRCP Title V Rule 26; Arizona Rule of Civil Procedure, Rule 26(B); Rules of the Supreme Court Regulation of Law Practice Rule 42, ER 3.4, 3.5, 3.6, 3.8 & 4.3"; and, (3) "Notice & Demand for Order to Vacate Void Judgment or in the Alternative, Recall of Securities Issued in Breach of Fiduciary Duty, Identity Theft[,] Theft by Deception & Human Trafficking." Although Dutcher did not characterize the three motions as petitions for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., we nonetheless treat the "Petition for Review/Appeal" now before us, in which he challenges the court's denial of those motions, as a petition for review. For the reasons set forth below, we deny review.

¶2 Following a jury trial in his absence in CR021173, Dutcher was convicted of one count of sexual abuse of a minor, two counts of child molestation, and six counts of sexual conduct with a minor. The trial court sentenced him to various prison terms, including multiple consecutive terms of life without the possibility of parole for thirty-five years. We affirmed Dutcher's convictions and sentences on appeal, *State v. Dutcher*, No. 2 CA-CR 89-0397 (memorandum decision filed Oct. 12, 1989), and denied relief on his four petitions for review of the court's denial of post-conviction relief. *State v. Dutcher*, No. 2 CA-CR 2005-0234-PR (memorandum decision filed Apr. 6, 2006); *State v. Dutcher*, No. 2 CA-CR 2009-0316-PR (memorandum decision filed Apr. 7, 2010); *State v. Dutcher*, No. 2 CA-CR 2010-0377-PR (memorandum decision filed Feb. 28, 2011); *State v. Dutcher*, No. 2 CA-CR 2012-0264-PR (memorandum decision

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filed Oct. 18, 2012). We also declined to accept special-action jurisdiction in this matter. *Dutcher v. LaWall*, No. 2 CA-SA 2013-0087 (order filed Oct. 29, 2013).

¶3 In its ruling summarily denying Dutcher's motions, all of which were filed under cause number CR021173, the trial court admonished Dutcher, as it had in the past, that his pleadings must "specify the exact relief being sought; [include] a statement of the facts relevant to resolution of the motion; and, [include] the legal authority supporting the motion." The court additionally made the following findings: (1) "The Court is unable to identify any liens placed on any real property of the Defendant"; (2) "The Court is unaware of any current charges pending against the Defendant. As such, the Defendant has no right to disclosure under any of the laws cited"; and, (3) "The Court is unable to determine what, if any, legal authority exists for the proposition that the Defendant's conviction is void or that this Court had no subject matter jurisdiction over the Defendant's case." The court also found that, to the extent "Defendant believes that tax evasion has been committed under his name . . . he is admonished to pursue this claim through the proper channels."

¶4 Dutcher then filed the instant "Petition for Review/Appeal," asking this court to "remand the case for absolute release, or remand with instructions for a new trial." It is not entirely clear how to characterize Dutcher's motions filed below. Nothing in Rule 32 contemplates such filings, nor does it appear the trial court treated the motions as Rule 32 filings. To the extent we understand the claims Dutcher raised in his motions below and now raises on review, they are not cognizable under Rule 32 because they do not implicate his convictions or sentences, but rather, concern the asserted denial of other rights. Accordingly, we deny review. In addition, to the extent Dutcher has presented new arguments for the first time on review, we do not consider them. *See State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980) (appellate court will not consider on review claims not raised below); *see also* Ariz. R. Crim. P. 32.9(c)(1)(ii) (petition for review limited to "issues which were decided by the trial court and which the defendant wishes to present to the appellate court for review").

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¶5 For all of these reasons, we deny review of Dutcher's petition for review under Rule 32.9(f).