

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

MICHAEL ALLEN HAWKINS,  
*Petitioner.*

No. 2 CA-CR 2014-0197-PR  
Filed January 6, 2015

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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NOT FOR PUBLICATION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)(1); Ariz. R. Crim. P. 31.24.*

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Petition for Review from the Superior Court in Cochise County  
Nos. CR200800685 and CR200900848 (Consolidated)  
The Honorable James L. Conlogue, Judge

**REVIEW DENIED; SPECIAL ACTION JURISDICTION DECLINED**

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COUNSEL

Michael Allen Hawkins, Florence  
*In Propria Persona*

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**MEMORANDUM DECISION**

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

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ESPINOSA, Judge:

¶1 Michael Hawkins petitions this court for review of the trial court's orders summarily dismissing his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P., and denying his motion for rehearing of that decision. In the same petition, he requests relief by special action. For the reasons that follow, we deny review and decline special action jurisdiction.

¶2 After a jury trial on charges brought under two indictments and consolidated for trial, Hawkins was convicted of two counts of aggravated assault, two counts of threatening and intimidating, and one count each of endangerment, aggravated harassment, and influencing a witness. The trial court sentenced him to concurrent and consecutive prison terms totaling eleven years. This court affirmed his convictions and sentences on appeal. *State v. Hawkins*, Nos. 2 CA-CR 2010-0387, 2 CA-CR 2010-0388 (consolidated) (memorandum decision filed Feb. 22, 2012).

¶3 Hawkins then filed a notice of post-conviction relief and, after appointed counsel notified the court she could find no claims to be raised in a Rule 32 proceeding, he filed a pro se petition for post-conviction relief in which he asserted numerous claims. The trial court summarily denied relief and dismissed the petition in a detailed ruling, finding some of Hawkins's claims precluded and also finding "[n]one of [his] claims present a material issue of fact or law which would entitle [him] to relief under Rule 32" and, therefore, no "purpose would be served by any further proceedings." See Ariz. R. Crim. P. 32.6(c). The court then denied Hawkins's motion for rehearing of that ruling, and this petition for review or special action relief followed.

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¶4 On review, Hawkins asserts he was denied due process by a four-month “unnecessary delay to [his] proceedings” caused by errors in processing his motion for rehearing – which he signed on January 21, 2014, and which was filed on February 13, 2014. He also complains of an alleged delay in sending him the trial court’s February 13 order denying that motion and relieving Rule 32 counsel of further duties – which Hawkins states he did not receive until June 12, 2014.<sup>1</sup> But to the extent errors may have occurred in processing his motion for rehearing or the court’s denial of that motion, Hawkins does not explain how those errors denied him the process due in this Rule 32 proceeding. In particular, we note that the court granted his request to file this delayed petition for review.

¶5 With respect to the substantive claims raised in his petition below, Hawkins asks that we independently review his petition for post-conviction relief and “related motions,” including his motion for rehearing, which, according to Hawkins, “contains the main expla[n]ations . . . of [the trial court’s] error in law and lack of atten[t]ion to the issues presented” in his petition below. But, apart from such conclusory assertions of error, he does not address the reasoning or conclusions in the court’s ruling or suggest how the court was mistaken in finding he failed to state a colorable, non-precluded claim for post-conviction relief. Hawkins simply repeats his claims, asserts he is entitled to relief, and refers us to the petition and related motions he filed below. Similarly, Hawkins has failed to identify any basis for special action relief. *See* Ariz. R. P. Spec. Actions 1(a) (relief by special action “shall not be available where there is an equally plain, speedy, and adequate remedy by appeal”).

¶6 We do not independently review claims raised in a petition for post-conviction relief, but instead review a trial court’s summary denial of such claims for an abuse of discretion. *See State*

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<sup>1</sup>Hawkins additionally asserts Rule 32 counsel was ineffective in her response to the trial court’s order denying his motion for rehearing and relieving her of further duties. But this claim is not properly subject to our review. *See* Ariz. R. Crim. P. 32.9 (c).

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*v. Bennett*, 213 Ariz. 562, ¶ 17, 146 P.3d 63, 67 (2006). Because Hawkins fails to provide any argument relevant to our consideration of the court's order, we deny review. See Ariz. R. Crim. P. 32.9(c)(1) (petition for review must comply with rule governing form of appellate motions and contain "reasons why the petition should be granted"); Ariz. R. Crim. P. 32.9(f) (appellate review under Rule 32.9 discretionary); see also *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); cf. *State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review).

¶7 For the foregoing reasons, review is denied and special action jurisdiction is declined.