

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

JOHN DAVID LLOYD,  
*Petitioner.*

No. 2 CA-CR 2014-0245-PR  
Filed November 19, 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NOT FOR PUBLICATION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 Gila County  
Nos. CR20040165 and CR20080609 (Consolidated)  
The Honorable Peter J. Cahill, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Bradley D. Beauchamp, Gila County Attorney  
By June Ava Florescue, Deputy County Attorney, Globe  
*Counsel for Respondent*

John David Lloyd, Eloy  
*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 John Lloyd seeks review of the trial court's order denying 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. *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Lloyd has not met his burden of demonstrating such abuse here.

¶2 After a jury trial, Lloyd was convicted of eleven counts of sexual conduct with a minor and sentenced to consecutive prison terms totaling 220 years. We affirmed his convictions and sentences on appeal. *State v. Lloyd*, No. 2 CA-CR 2009-0325 (memorandum decision filed Sep. 3, 2010). Lloyd then sought post-conviction relief, and appointed counsel filed a "motion" for post-conviction relief arguing the trial court had erred by granting the state's motion to consolidate two indictments concerning different victims, the state had violated Lloyd's speedy trial rights due to the delay between indictment and arrest, and the file from Lloyd's divorce had not been "disclosed or uncovered to [his] detriment." Additionally, the trial court permitted Lloyd to file a pro se supplemental petition in which he raised numerous claims, including that his trial counsel had been ineffective in failing to adequately investigate the charges against him, communicate with him about his case, or object to purported hearsay testimony. He further argued that information contained in a Child Protective Services file was "newly discovered" because the trial court had ordered it sealed at the state's request. The court summarily denied the claims raised in counsel's motion and in Lloyd's supplemental petition. This petition for review followed the court's denial of Lloyd's motion for reconsideration.

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¶3 On review, Lloyd first argues his trial counsel was ineffective in failing to locate a report and interview transcripts involving sexual assault allegations that he claims are exculpatory. He additionally contends the state committed misconduct in failing to disclose those materials. Although Lloyd asserted in his petition below that counsel had failed to adequately investigate his case, he did not make this specific argument nor did he provide the report and interview transcripts to the trial court. We do not address claims raised for the first time on review. *See State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980); *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”).

¶4 Lloyd additionally argues his speedy trial rights were violated. The trial court, however, correctly found this claim precluded because it was raised and rejected in Lloyd’s direct appeal. *See* Ariz. R. Crim. P. 32.2(a)(2). Lloyd also asserts, without explanation, that he is entitled to an evidentiary hearing on his claims. Lloyd’s failure to develop this argument in any meaningful way constitutes waiver. *See State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (failure to develop legal argument waives argument on review). Finally, to the extent Lloyd suggests the trial court improperly made factual findings without conducting a hearing, he is mistaken—the court’s orders rejecting his claims contain no factual findings.

¶5 For the reasons stated, although review is granted, relief is denied.