

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

EARL BALL,
Petitioner.

No. 2 CA-CR 2014-0317-PR
Filed November 28, 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NOT FOR PUBLICATION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 Cochise County

No. CR98000345

The Honorable Karl D. Elledge, Judge

REVIEW DENIED

Earl Ball, 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.

ESPINOSA, Judge:

¶1 Earl Ball petitions this court for review of the trial court's order summarily dismissing his successive and untimely petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. For the reasons that follow, we deny review.

¶2 After jury trials in two cause numbers, Ball was convicted of twelve counts of sexual exploitation of a minor. *State v. Ball*, Nos. 2 CA-CR 1999-0481, 2 CA-CR 2001-0279-PR, ¶¶ 2-4 (consolidated) (memorandum decision filed Aug. 31, 2006). He has unsuccessfully challenged his convictions and sentences many times, including in his appeal and in numerous petitions for post-conviction relief. *See State v. Ball*, No. 2 CA-CR 2014-0196-PR (memorandum decision filed Sept. 11, 2014).

¶3 In July 2014, Ball filed yet another petition for post-conviction relief, asserting pursuant to Rule 32.1(h) that "no crime was committed" because, at the time he had taken the photographs forming the basis of his convictions, "there was no law against" taking those photographs. The trial court summarily denied the petition.

¶4 Like his petition for post-conviction relief, Ball's petition for review summarily claims he has committed no crime. And, as in the proceeding below, Ball fails to develop any cognizable legal argument whatsoever, again claiming without explanation or citation to authority that he was "tried under a law that did not exist" when he took the photographs "and could not be applied retroactively to him." We therefore deny review. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must contain "reasons why the

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petition should be granted” and either an appendix or “specific references to the record”); Ariz. R. Crim. P. 32.9(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).

¶5 Review denied.