

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

JOSE FERNANDO MCCORMICK,
Petitioner.

No. 2 CA-CR 2014-0381-PR
Filed April 8, 2015

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NOT FOR PUBLICATION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.

Petition for Review from the Superior Court in Pima County
Nos. CR20100274001 and CR20111277011
The Honorable Brenden J. Griffin, Judge

REVIEW DENIED

COUNSEL

Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Respondent

Jose McCormick, San Luis
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.

ECKERSTROM, Chief Judge:

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

¶2 In separate but contingent plea agreements, McCormick pled guilty to possession of a dangerous drug for sale, for which he was sentenced to a ten-year prison term, and attempted possession of a dangerous drug for sale, for which he was sentenced to a 3.5-year prison term. McCormick filed notices of post-conviction relief in both cause numbers, which were consolidated. Assigned counsel, citing *Lammie v. Barker*, 185 Ariz. 263, 915 P.2d 662 (1996), informed the court he would not file a petition for post-conviction relief. The trial court later dismissed the proceeding on the ground McCormick had not filed a compliant pro se petition by the deadline the court had imposed. On review, we granted relief, vacating the court's dismissal of the proceeding and remanding the case for further proceedings to give McCormick the opportunity to cure his non-compliant petition for post-conviction relief. *State v. McCormick*, No. 2 CA-CR 2013-0565-PR (memorandum decision filed May 13, 2014).

¶3 In June 2014, McCormick filed a petition for post-conviction relief in which he argued he had been induced to plead guilty because the state threatened to indict various family members, his trial counsel had been ineffective in failing to raise the issue, and the prosecutor had committed misconduct by threatening to indict his family members to induce him to plead guilty. He also asserted his conviction in one cause number violated double jeopardy. The trial court summarily denied relief and also denied

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McCormick's subsequent motion for rehearing. This petition for review followed.

¶4 McCormick's petition for review contains no meaningful description of the issues decided by the trial court or of the facts material to the consideration of those issues, and he does not explain how the court abused its discretion in rejecting his claims, as required by Rule 32.9(c)(1). McCormick's failure to comply with Rule 32.9 justifies our summary refusal to grant review. 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"), (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 We deny review.