

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

EVERETT GREG CASTEEL,
Petitioner.

No. 2 CA-CR 2015-0263-PR
Filed September 25, 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NOT FOR PUBLICATION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 Maricopa County
No. CR2007116559001DT
The Honorable Jo Lynn Gentry, Judge

REVIEW DENIED

Everett Greg Casteel, Eloy
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 Petitioner Everett Casteel seeks review of the trial court's order denying a motion in which he apparently attempted to supplement a previous petition for post-conviction relief. We will affirm a trial court's ruling in a proceeding for post-conviction relief "absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Casteel has not sustained his burden of establishing such abuse here.

¶2 After a bench trial, Casteel was convicted of possession of dangerous drugs for sale and two counts of possession of narcotic drugs for sale. The trial court sentenced him to concurrent, 15.75-year prison terms on each count. His convictions and sentences were affirmed on appeal. *State v. Casteel*, No. 1 CA-CR 07-0903 (memorandum decision filed Oct. 23, 2008). Casteel sought and, in February 2009, was denied, post-conviction relief. But the court denied relief "without prejudice subject to refil[ing] [a proper petition] at a later date."

¶3 Casteel filed another notice of post-conviction relief in April 2009, along with a "motion for nunc pro tunc order," which the trial court denied without prejudice to refile. Over the following months, Casteel filed a third notice, along with a variety of other documents and a petition for post-conviction relief. In January 2010, the court dismissed his petition, essentially treating it as Casteel's attempt to file a proper petition, as the court had allowed earlier.

¶4 Thereafter, Casteel filed a petition for writ of habeas corpus, which the trial court deemed another notice of post-conviction relief and denied. After filing various documents over

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the following months, Casteel filed yet another petition for post-conviction relief in April 2012, and the court dismissed it. The court also denied Casteel's subsequent motion for rehearing. It further rejected several other documents filed after the motion, finding that they had been prepared by an unauthorized person or that the rules of post-conviction relief proceedings did not "provide for the relief requested." The court also denied a motion by Casteel for disclosure, specifically a copy of a plea offer, because it had not been made part of the court record after Casteel rejected it and proceeded to trial. In February 2014, Casteel once again filed another petition for post-conviction relief, as well as various other documents and motions. The court denied the motions without comment.

¶5 Casteel then filed in this court a document entitled "Petition for Review," in which he apparently challenges the court's ruling in relation to his filing entitled "Cover Letter of Attorney/Writ of Notice/Motion to Supplement Nunc Pro Tunc to Motion for Post Conviction Relief Supplemental Audit by Independent Man." In that document, he raised what appear to be claims of ineffective assistance of counsel, perjury at trial, and sentencing error. He claims on review that "[t]he State of Arizona by its agents and/or institutions have killed the PERSON EVERETT GREG CASTEEL, and no attempt for relief filed were ever addressed in 7 years."

¶6 Nothing in the record before us suggests that Casteel, as he claims, has been "falsely held" or "killed, without remedy." Indeed, it appears the trial court extended his opportunity to file a petition for post-conviction relief challenging his convictions and sentences and ruled on that petition in 2010. Furthermore, Casteel's petition for review does not comply with Rule 32.9(c), Ariz. R. Crim. P., in any meaningful way. The failure to comply justifies our summary denial of review. See Ariz. R. Crim. P. 32.9(c)(1); *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 in part on other grounds by Stewart v. Smith*, 202 Ariz. 446, ¶ 10, 46 P.3d 1067, 1071 (2002).

¶7 Accordingly, review is denied.