

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

SEAN PHILLIP STEVENSON,  
*Petitioner.*

No. 2 CA-CR 2015-0295-PR  
Filed December 9, 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NOT FOR PUBLICATION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 Pima County  
Nos. CR063249, CR063835, CR063932  
The Honorable Richard D. Nichols, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

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

Sean Phillip Stevenson, Buckeye  
*In Propria Persona*

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**MEMORANDUM DECISION**

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

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ESPINOSA, Judge:

¶1 Petitioner Sean Stevenson 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 a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Stevenson has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Stevenson was convicted in three separate causes of kidnapping, armed robbery, endangerment, and solicitation of drive by shooting. The trial court imposed aggravated sentences, some of which were enhanced, totaling 34.5 years' imprisonment. Stevenson sought and was denied post-conviction relief on at least one previous occasion.

¶3 In March 2015, Stevenson again sought post-conviction relief, arguing that his sentences were excessive and constituted cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution and that his counsel had been ineffective. The trial court determined these claims were precluded, and summarily denied relief. Stevenson then sent the court a letter requesting counsel and claiming he would not have entered his guilty plea had he known he would receive consecutive sentences. The court affirmed its earlier ruling, repeating that Stevenson's claims were precluded.

¶4 On review Stevenson again argues his consecutive sentences are excessive, he received ineffective assistance of counsel, and he would not have accepted a guilty plea involving a sentence

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of that length. Stevenson's petition for review fails to comply in any meaningful way with the requirements of Rule 32.9, which itself would justify our summary dismissal of his petition. *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"), 32.9(f) (appellate review under Rule 32.9 discretionary); *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims not complying with rule 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 appeal). In any event, we agree with the trial court that Stevenson's claims, all of which arise under Rule 32.1(a), are precluded in this successive and untimely proceeding. *See* Ariz. R. Crim. P. 32.2(a)(3), 32.4(a).

¶5 Therefore, although we grant the petition for review, relief is denied.