

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

RUBEN ARMANDO SILVA JR.,
Petitioner.

No. 2 CA-CR 2015-0484-PR
Filed March 16, 2016

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NOT FOR PUBLICATION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. CR2012150727001DT
The Honorable Cynthia J. Bailey, Judge

REVIEW DENIED

Ruben Armando Silva Jr., Buckeye
In Propria Persona

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MEMORANDUM DECISION

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

M I L L E R, Judge:

¶1 Ruben Silva Jr. petitions for review of the trial court’s summary dismissal of his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. Because Silva does not challenge the basis for the dismissal, which was the determination that his claims were time-barred, we deny review.

¶2 In June 2013, pursuant to a plea agreement, Silva was convicted of misconduct involving weapons and sentenced to a presumptive, 2.5-year term of imprisonment. Silva filed a “Petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody (non-death penalty)” in February 2014, and a similar petition in April 2014, in which he raised claims of ineffective assistance of counsel, malicious prosecution, illegal search and seizure, and violation of discovery rules and his right to a speedy trial. The trial court correctly construed his filing as a Rule 32 petition for post-conviction relief, *see* Ariz. R. Crim. P. 32.3, and found Silva’s claims were barred as untimely, *see* Ariz. R. Crim. P. 32.4(a).

¶3 On review, Silva appears only to argue the merits of his claim that the evidence against him was illegally obtained. He does not address the trial court’s ruling that the claims asserted in his untimely petition are time-barred pursuant to Rule 32.4, which was the sole basis for the court’s dismissal.

¶4 Rule 32.9(c)(1) limits this court’s review to those “issues which were decided by the trial court” and are presented for review. It also provides that “[f]ailure to raise any issue that could be raised

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in the petition . . . for review shall constitute waiver of appellate review of that issue." *Id.*

¶5 Silva's petition for review fails to challenge the sole issue decided by the trial court, and he has therefore waived appellate review of that issue. Because he has failed to comply in any meaningful way with the requirements of Rule 32.9, we deny review. See Ariz. R. Crim. P. 32.9(f) (review discretionary); *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims for failure to comply with Rule 32.9), *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 review on direct appeal).