Arizona Supreme Court

Miscellaneous Special Action

M-24-0018 RICARDO RAMIREZ v HON. DRIGGS/STATE

Appellate Case Information

Case Filed: 29-Apr-2024 Archive on: 9-Jul-2034 (planned)

Case Closed: 9-Jul-2024

Dept/Composition

Side 1. RICARDO RAMIREZ, Petitioner

(Litigant Group) RICARDO RAMIREZ

- **Ricardo Ramirez** PRO SE

Side 2. HON. ADAM D. DRIGGS, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa, Respondent Judge

(Litigant Group) HON. ADAM D. DRIGGS, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa

- **Adam D Driggs, Maricopa County Superior Court**

Side 3. STATE OF ARIZONA, Real Party in Interest

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

CASE STATUS

Jul 9, 2024.....Case Closed **Jul 9, 2024.....Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2008-155341-001			Adam D Driggs, Authoring Judge of Order		

CASE DECISION

09-Jul-2024 ORDER

* On April 3, 2023, in CR-23-0083-PR, Petitioner Ramirez filed a “Petition for Review” requesting that this Court review the decision of the court of appeals in 1 CA-CR 22-0173 PRPC and the superior court’s denial of Petitioner’s sixth petition for post-c

Filed: **09-Jul-2024** Mandate:

Decision Disposition
Dismissed

Kathryn King

2 PROCEEDING ENTRIES

1. 29-Apr-2024 FILED: Special Action Petition (Petitioner Ramirez, Pro Se)

M-24-0018 RICARDO RAMIREZ v HON. DRIGGS/STATE

2 PROCEEDING ENTRIES

2.	9-Jul-2024	On April 3, 2023, in CR-23-0083-PR, Petitioner Ramirez filed a "Petition for Review" requesting that this Court review the decision of the court of appeals in 1 CA-CR 22-0173 PRPC and the superior court's denial of Petitioner's sixth petition for post-conviction relief. This Court denied review on August 4, 2023. On August 21, 2023, Petitioner filed a "Motion to Request Permission for a Rehearing" that this Court treated as a motion for permission to file a motion for reconsideration. This Court denied the motion on August 23, 2023. On April 29, 2024, in the instant matter, Petitioner filed a "Special Action Petition" asking "this Court to review and accept [his] special action. . . and "grant the review requested." The petition repeats the claims presented in 1 CA-CR 22-0173 PRPC in the court of appeals and in CR-23-0083-PR in this Court. Petitioner's "Special Action Petition" is a request that the Court reconsider its prior denial of review because it is Petitioner's "only hope and last opportunity to have our own state courts correct the [S]tate's failure of a fair, adequate, and due process denial on appeals." Initially, a motion for reconsideration of an order denying a petition for review by this Court is not permitted, unless permitted by specific appellate court order pursuant to Ariz. R. Crim. P. 31.20(f). This Court denied Petitioner's motion for permission to file a motion for reconsideration on August 23, 2023, in case CR-23-0083-PR. Additionally, the superior court, citing Ariz. R. Crim. P. 32.2(b), denied each of Petitioner's claims on April 7, 2022, finding that he "failed to state a claim for which relief can be granted." On October 3, 2022, the superior court denied Petitioner's motion for reconsideration and several other motions, finding that Petitioner "did not meet his burden to establish a claim for which relief could be granted" and although the court "did not specifically address every issue raised by [Ramirez] directly in its ruling, the court did consider[] each of [Ramirez]'s relief claims when it made the finding that [Ramirez] has failed to state a claim for which relief can be granted in an untimely Rule 32 proceeding." Then, as indicted above, on February 28, 2023, in case 1 CA-CR 22-0173-PRPC, the court of appeals, noting that "[i]t is petitioner's burden to show that the superior court abused its discretion by denying the petition for post-conviction relief," stated that it "reviewed the record in this matter, the superior court's order denying the petition for post-conviction relief, and the petition for review," found "that petitioner has not established an abuse of discretion," and granted review and denied relief. On March 16, 2023, the court of appeals denied Petitioner's motion for reconsideration and request for reasoned decision. Therefore, IT IS ORDERED that Petitioner's "Special Action Petition" is dismissed. IT IS FURTHER ORDERED closing case number M-24-0018. IT IS FURTHER ORDERED that no further filings will be accepted in this matter. (Hon. Kathryn H. King) _____