

NOTICE: NOT FOR PUBLICATION.
UNDER ARIZ. R. SUP. CT. 111(c), THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

TERRY LEE PATERAKIS, *Petitioner*

No. 1 CA-CR 12-0630 PRPC
FILED 11-7-2013

Appeal from the Superior Court in Maricopa County
No. CR2006-048006-001
The Honorable J. Richard Gama, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Terry Lee Paterakis, Florence

Petitioner, In Propria Persona

MEMORANDUM DECISION

Per Curiam: Presiding Judge Andrew W. Gould, Judge Donn Kessler, and
Judge Michael J. Brown delivered the decision of the Court.

STATE v. PATERAKIS
Decision of the Court

PER CURIAM:

¶1 In 2006, petitioner Terry Lee Paterakis pled guilty to three counts of armed robbery and the trial court sentenced him to concurrent terms of fifteen years' imprisonment for each count. Paterakis now seeks review of the summary dismissal of his latest successive notice of post-conviction relief. We review the summary dismissal of a notice of post-conviction relief for abuse of discretion. *State v. Watton*, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990). We have jurisdiction pursuant to Arizona Rule of Criminal Procedure 32.9(c).

¶2 Paterakis properly presents two issues for review. Paterakis argues the trial court violated the terms of his plea agreement when it sentenced him to enhanced sentences and his trial counsel was ineffective when he failed to object at sentencing.

¶3 We deny relief. Paterakis could have raised these issues in a prior, timely post-conviction relief proceeding. In fact, Paterakis raised numerous claims regarding his sentences in his 2010 petition for post-conviction relief. Any claim a defendant could have raised in an earlier post-conviction relief proceeding is precluded. Ariz. R. Crim. P. 32.2(a). None of the exceptions under Rule 32.2(b) apply.

¶4 While Paterakis presents numerous other issues in his petition for review, he did not raise those issues below. A petition for review may not present issues not first presented to the trial court. *State v. Bortz*, 169 Ariz. 575, 577, 821 P.2d 236, 238 (App. 1991); Ariz. R. Crim. P. 32.9(c)(1)(ii).

¶5 Based on the foregoing, we grant review and deny relief.



Ruth A. Willingham · Clerk of the Court
FILED: mjt