

NOTICE: NOT FOR PUBLICATION.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.

JOHN CALVIN NEUENDORF, *Petitioner*.

No. 1 CA-CR 12-0647-PR

Appeal from the Superior Court in Maricopa County
No. CR2009-167757-001
The Honorable Karen L. O'Connor, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

John Calvin Neuendorf, II, Buckeye

Pro Se

MEMORANDUM DECISION

Presiding Judge Maurice Portley delivered the decision of the Court, in which Judge John C. Gemmill and Judge Kent E. Cattani joined.

P O R T L E Y, Judge:

State v. Neuendorf
Decision of the Court

¶1 Petitioner John Calvin Neuendorf pled guilty to aggravated assault and attempted aggravated assault. The trial court sentenced him to ten years' imprisonment for aggravated assault and placed him on four years' probation for attempted aggravated assault. Neuendorf now seeks review of the summary dismissal of a pleading the trial court properly treated as Neuendorf's successive petition for post-conviction relief. We review the summary dismissal of a petition for 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 In his petition for review, Neuendorf argues his trial counsel was ineffective because he lied to Neuendorf to convince him to accept the plea offer. We deny relief. Neuendorf has raised this same claim in each of his prior petitions for post-conviction relief. Any claim a defendant raised in an earlier post-conviction relief proceeding is precluded. Ariz. R. Crim. P. 32.2(a)(2). None of the exceptions under Rule 32.2(b) apply.

¶3 While the petition for review presents several other issues, Neuendorf did not raise those issues in the petition for post-conviction relief he filed 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).

¶4 We grant review and deny relief.