

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

JAMES LEON WALKER, *Petitioner*.

No. 1 CA-CR 15-0124 PRPC
FILED 4-6-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2000-012987
The Honorable Peter C. Reinstein, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Diane Meloche
Counsel for Respondent

James Leon Walker, Florence
Petitioner

STATE v. WALKER
Decision of the Court

MEMORANDUM DECISION

Judge James P. Beene delivered the decision of the Court, in which Presiding Judge Diane M. Johnsen and Judge Margaret H. Downie joined.

B E E N E, Judge:

¶1 Petitioner James Leon Walker petitions this Court for review from the summary dismissal of his ninth petition for post-conviction relief. Walker pled guilty to attempted molestation of a child and attempted sexual conduct with a minor, both dangerous crimes against children. The superior court sentenced Walker to fifteen years' imprisonment for attempted molestation and placed him on lifetime probation for attempted sexual conduct.

¶2 Walker argues the superior court erred when it imposed aggravated terms of imprisonment and probation because the court, rather than a jury, determined the existence of aggravating circumstances for sentencing purposes. He further argues the statute of limitations had run on the count of attempted child molestation and that both his trial and post-conviction relief of-right counsel were ineffective when they failed to raise these two issues. We deny relief because Walker has raised these same claims more than once in prior post-conviction relief proceedings. Any claim a defendant raised or 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.

¶3 We grant review but deny relief.



AMY M. WOOD • Clerk of the Court
FILED: AA