

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Respondent*,

*v.*

JOHN HARRY ALLEN, *Petitioner*.

No. 1 CA-CR 15-0283 PRPC  
FILED 4-18-2017

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Petition for Review from the Superior Court in Yavapai County  
Nos. V1300CR820000333  
V1300CR820000436  
The Honorable Michael R. Bluff, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Yavapai County Attorney's Office, Prescott  
By Dana E. Owens  
*Counsel for Respondent*

John Harry Allen, Florence  
*Petitioner*

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**MEMORANDUM DECISION**

Judge Lawrence F. Winthrop delivered the decision of the Court, in which  
Presiding Judge Randall M. Howe and Judge Jon W. Thompson joined.

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STATE v. ALLEN  
Decision of the Court

WINTHROP, Judge:

¶1 Petitioner, John Harry Allen, petitions for review of the summary dismissal of his second petition for post-conviction relief. In 2002, Allen pled guilty to attempted molestation of a child and two counts of molestation of a child, all dangerous crimes against children. The superior court sentenced him to an aggregate term of forty-four years' imprisonment. Allen argues the superior court erred when it imposed consecutive sentences, when it treated the offenses as dangerous crimes against children, and when it found Allen had historical prior felony convictions for sentencing purposes.

¶2 We deny relief because Allen could have raised these issues in his first post-conviction relief proceeding. Any claim a defendant could have raised in an earlier post-conviction relief proceeding is precluded. *See* Ariz. R. Crim. P. ("Rule") 32.2(a). None of the exceptions under Rule 32.2(b) apply.

¶3 Accordingly, although we grant review, we deny relief.



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