

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

CAMERON STACEY WILSON, *Petitioner*.

No. 1 CA-CR 15-0627 PRPC
FILED 6-8-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2009-123677-001
The Honorable David M. Talamante, Judge

REVIEW DENIED

COUNSEL

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

Cameron Stacey Wilson, Florence
Petitioner

MEMORANDUM DECISION

Judge Peter B. Swann delivered the decision of the court, in which Presiding
Judge Randall M. Howe and Judge Maria Elena Cruz joined.

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S W A N N, Judge:

¶1 Cameron Stacey Wilson petitions this court for review from the dismissal of his notice of post-conviction relief. Wilson pled guilty to three counts of attempted molestation of a child in 2009. The superior court sentenced him to eight years' imprisonment for one count and placed him on lifetime probation for the other two counts. Wilson did not file a petition for post-conviction relief of-right.

¶2 In 2015, Wilson filed a request to file a delayed/untimely petition for post-conviction relief. He offered no explanation for the six-year delay, did not identify any grounds which would permit him to file an untimely notice of post-conviction relief, identified no specific issues he wished to raise, and did not argue the failure to file a timely petition was not his fault. The superior court treated the request as notice of post-conviction relief and dismissed the notice as untimely. Wilson now seeks review.

¶3 In his petition for review, Wilson argues for the first time that the superior court erred when it imposed lifetime probation for the two counts of attempted molestation of a child. We deny review because Wilson did not raise this issue below. A petition for review may not present issues not first presented to the trial court. *State v. Bortz*, 169 Ariz. 575, 577-78 (App. 1991); *State v. Wagstaff*, 161 Ariz. 66, 71 (App. 1988); *State v. Ramirez*, 126 Ariz. 464, 468 (App. 1980); Ariz. R. Crim. P. 32.9(c)(1)(ii); *see also State v. Smith*, 184 Ariz. 456, 459 (1996); *State v. Swoopes*, 216 Ariz. 390, 403, ¶¶ 41-42 (App. 2007) (both holding there is no review for fundamental error in a post-conviction relief proceeding).

¶4 We also deny review because the superior court did not abuse its discretion when it summarily dismissed the notice. *See State v. Martinez*, 226 Ariz. 464, 466, ¶ 6 (App. 2011). When a defendant seeks to present issues in an untimely post-conviction relief proceeding, the defendant must set forth those issues in the notice of post-conviction relief and present "meritorious reasons" that substantiate the claims. Ariz. R. Crim. P. 32.2(b). The notice must also explain why the defendant did not raise those issues in a timely manner. *Id.* If the notice fails to do these things, "the notice shall be summarily dismissed." *Id.* Wilson still offers no explanation for the delay in filing his notice of post-conviction relief, offers no grounds for why the trial court should have allowed him to file an untimely notice and does not argue the failure to file a timely notice was not his fault.

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¶5

Accordingly, we therefore deny review.



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