

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

HAROLD D. BAKER, *Petitioner*.

No. 1 CA-CR 15-0769 PRPC
FILED 6-29-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2003-017191-001 DT
The Honorable Alfred M. Fenzel, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Harold D. Baker, Florence
Petitioner

MEMORANDUM DECISION

Judge Kenton D. Jones delivered the decision of the Court, in which
Presiding Judge Margaret H. Downie and Judge Donn Kessler joined.

STATE v. BAKER
Decision of the Court

JONES, Judge:

¶1 Harold Baker petitions for review from the summary dismissal of his fourth successive notice of post-conviction relief. We have considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 A jury convicted Baker of four counts of sexual conduct with a minor, all dangerous crimes against children, and one count each of sexual abuse, contributing to the delinquency of a minor, public sexual indecency, and public sexual indecency to a minor, all arising out of events occurring in 2003. The trial court sentenced Baker to an aggregate term of eighty years' imprisonment for the four counts of sexual conduct with a minor and placed him on probation for the remaining counts. This Court affirmed his convictions and sentences on direct appeal.

¶3 In his petition for review, Baker argues: (1) the trial court improperly enhanced his sentences; (2) his sentences violate double jeopardy because they are not concurrent; and (3) his sentences are disproportionate, excessive, and constitute cruel and unusual punishment. All of these issues have been, or could have been, raised on direct appeal or in a prior post-conviction relief proceeding. *See* Ariz. R. Crim. P. 32.1(a), (c) (identifying sentencing issues appropriate for post-conviction relief); Ariz. Rev. Stat. § 13-4033(A)(3) (2003) (authorizing a direct appeal from a sentence "on the grounds that it is illegal or excessive"). Any claim a defendant raised or could have raised on direct appeal or in an earlier post-conviction relief proceeding is precluded, Ariz. R. Crim. P. 32.2(a), and none of the exceptions under Rule 32.2(b) apply.

¶4 Accordingly, we grant review and deny relief.



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