

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JACOB ANTHONY TORRES, *Petitioner*.

No. 1 CA-CR 16-0079 PRPC
FILED 7-6-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2011-159537-001
The Honorable Roland J. Steinle, Judge, (Retired)

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Jacob Anthony Torres, Florence
Petitioner Pro Se

MEMORANDUM DECISION

Presiding Judge Samuel A. Thumma delivered the decision of the Court, in
which Judge Lawrence F. Winthrop and Judge James P. Beene joined.

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T H U M M A, Judge:

¶1 Petitioner Jacob Anthony Torres seeks review of the superior court's order denying his petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1 (2017).¹ Absent an abuse of discretion or error of law, this court will not disturb a superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 577 ¶ 19 (2012). Finding no such error, this court grants review but denies relief.

¶2 Torres pled guilty to first degree premeditated murder, theft and misconduct involving weapons. The court sentenced him in accordance with the terms of the plea agreement to natural life in prison on the murder conviction and consecutive prison terms of 2.75 and 8 years on the theft and misconduct involving weapons convictions.

¶3 Torres filed a petition for post-conviction relief, arguing the State elicited confessions from him in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Edwards v. Arizona*, 451 U.S. 477 (1981). The superior court summarily dismissed the petition. This petition for review followed.

¶4 Summary dismissal of a petition for post-conviction relief is appropriate "[i]f the court . . . determines that no . . . claim presents a material issue of fact or law which would entitle the defendant to relief under this rule and that no purpose would be served by any further proceedings." Ariz. R. Crim. P. 32.6(c). Entry of a guilty plea waives all non-jurisdictional defects unrelated to the validity of the plea. *State v. Quick*, 177 Ariz. 314, 316 (App. 1993). The waiver of non-jurisdictional defects includes deprivations of constitutional rights. *See Tollett v. Henderson*, 411 U.S. 258, 267 (1973) ("When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea").

¹ Absent material revisions after the relevant dates, statutes and rules cited refer to the current version unless otherwise indicated.

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¶5 Torres's claims regarding the validity of his confessions are not directly related to the entry of his pleas and therefore have been waived. Accordingly, the superior court did not err in summarily dismissing his petition for post-conviction relief.

¶6 For these reasons, this court grants review but denies relief.



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