

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

RUBEN TORRES, *Petitioner*.

No. 1 CA-CR 16-0412 PRPC
FILED 8-3-17
AMENDED PER ORDER FILED 8-4-17

Petition for Review from the Superior Court in Maricopa County
No. CR2014-117754-001
The Honorable Danielle J. Viola, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Ruben Torres, Kingman
Petitioner

MEMORANDUM DECISION

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

STATE v. TORRES
Decision of the Court

C R U Z, Judge:

¶1 Petitioner Ruben Torres petitions this court for review from the dismissal of his petition for post-conviction relief. We have considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 Torres pled guilty to two counts of armed robbery, Class 2 dangerous felonies, with stipulations to a range of seven to fourteen years per count in the Arizona Department of Corrections, to be served consecutively. The superior court sentenced him to 10.5 years per count to be served consecutively. Torres timely filed his notice for post-conviction relief in propria persona pursuant to Arizona Rule of Criminal Procedure ("Rule") 32.4. His Rule 32 counsel filed a notice of completion of review, and the court set a deadline for Torres to file his petition for post-conviction relief in propria persona. *See* Rule 32.4(c)(2). The record reflects Torres never filed a petition complying with Rule 32.5, and the superior court summarily denied his Rule 32 proceeding.

¶3 Torres then filed a timely petition for review alleging a multitude of issues relating to ineffective assistance of counsel, due process and sentencing, double jeopardy and prosecutorial misconduct, none of which was presented to the superior court for consideration. Issues not presented to the superior court may not be presented in the petition for review. Ariz. R. Crim. P. 32.9(c)(1); *State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980). Torres presents no facts, arguments or issues first addressed to the superior court.

¶4 Accordingly, we grant review and deny relief.



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