

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

CESAR RAMIREZ RAMIREZ, *Petitioner*.

No. 1 CA-CR 13-0633 PRPC
FILED 3-17-2015

Appeal from the Superior Court in Maricopa County
No. CR 2007-157284-001
The Honorable Andrew G. Klein, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Cesar Ramirez Ramirez, Kingman
Petitioner

MEMORANDUM DECISION

Presiding Judge Kent E. Cattani, Judge Lawrence F. Winthrop, and Judge
Peter B. Swann delivered the decision of the Court.

STATE v. RAMIREZ
Decision of the Court

PER CURIAM:

¶1 In 2008, Petitioner Cesar Ramirez Ramirez pled guilty to manslaughter, and the superior court sentenced him to eighteen years' imprisonment. He now seeks review of the summary dismissal of his successive notice of post-conviction relief. For reasons that follow, we grant review but deny relief.

¶2 The petition for review presents several issues, only one of which was raised below. The properly preserved issue asserts that the superior court erred by imposing an aggravated sentence because, in Ramirez's view, mitigating circumstances outweighed aggravating circumstances. We deny relief because Ramirez could have raised this claim in his first post-conviction relief proceeding, and the claim is thus precluded under Arizona Rule of Criminal Procedure 32.2(a). None of the exceptions to preclusion under Rule 32.2(b) apply.

¶3 Although the petition for review presents additional issues, a petition for review may only present issues that have first been presented to the superior court. Ariz. R. Crim. P. 32.9(c)(1)(ii); *State v. Ramirez*, 126 Ariz. 464, 467, 616 P.2d 924, 927 (App. 1980); *State v. Wagstaff*, 161 Ariz. 66, 71, 775 P.2d 1130, 1135 (App. 1988). Because Ramirez did not raise those issues below, they cannot provide a basis for relief in this court.

¶4 Accordingly, we grant review but deny relief.



Ruth A. Willingham · Clerk of the Court
FILED : ama