

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

DEMETRIUS WHITE, *Petitioner*.

No. 1 CA-CR 15-0013 PRPC
FILED 4-13-2017

Petition for Review from the Superior Court in Maricopa County
No. CR 99-017627
The Honorable Robert L. Gottsfield, Judge *Retired*

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Demetrius White, Tucson
Petitioner

MEMORANDUM DECISION

Judge Kent E. Cattani delivered the decision of the Court, in which
Presiding Judge Peter B. Swann and Judge Donn Kessler joined.

STATE v. WHITE
Decision of the Court

CATTANI, Judge:

¶1 Demetrius White petitions this court for review of the superior court's summary dismissal of his seventh successive petition for post-conviction relief. A jury convicted White of promoting prison contraband, and the superior court sentenced him to 17 years' imprisonment. We affirmed his conviction and sentence on direct appeal.

¶2 White argues that he is innocent of the charges; the manner in which the State secured an indictment was constitutionally flawed; the trial court erred by allowing an amendment to the indictment; the evidence presented at trial was not sufficient to support his conviction; and the trial court erred by excluding certain evidence as hearsay. He further makes general, nonspecific claims that all of his proceedings have been unfair and have deprived him of due process.

¶3 We deny relief. White's claims – other than his claim of actual innocence – are precluded under Rule 31.2(a)(1) or (3) because he raised or could have raised them on direct appeal or in previous post-conviction relief proceedings. White does not present any of these claims in the context of newly-discovered evidence or a significant change in the law, and none of the other exceptions to preclusion under Rule 32.2(b) apply.

¶4 White's claim of actual innocence is not precluded and can be addressed in an untimely or successive post-conviction relief proceeding. *See* Ariz. R. Crim. P. 32.1(h), 32.2(b), 32.4(a). But White provided no factual support for this claim either in his petition for post-conviction relief or in his petition for review, so he has not established a basis for relief.

¶5 Accordingly, we grant review but deny relief.



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