

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

STEVEN ALFRED SMITH, *Petitioner*.

No. 1 CA-CR 16-0475 PRPC
FILED 1-9-2018

Petition for Review from the Superior Court in Maricopa County

No. CR2011-145255-001

CR2012-006040-001

The Honorable Margaret R. Mahoney, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix

By Diane Meloche

Counsel for Respondent

Steven Alfred Smith, Kingman

Petitioner

STATE v. SMITH
Decision of the Court

MEMORANDUM DECISION

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

S W A N N, Judge:

¶1 Steven Alfred Smith petitions this court for review from the dismissal of his petition for post-conviction relief. For reasons that follow, grant review but deny relief.

¶2 Smith pled guilty in CR2011-145255-001 to failure to register as a sex offender. Smith also pled guilty in CR2012-006040-001 to one count of molestation of a child and two counts of attempted sexual conduct with a minor. He received lifetime probation in the 2011 case, and in the 2012 case, the court imposed a mitigated prison term of 15 years on the molestation count and lifetime probation on the other two counts.

¶3 Smith filed a successive petition for post-conviction relief in both cases, arguing that a newly discovered letter from his counsel to the prosecutor, in which his counsel described weaknesses in the state's case, would have changed his decision to plead guilty and is evidence of ineffective assistance of counsel and the absence of a factual basis for his pleas. The superior court summarily denied Smith's petition as untimely. Smith now petitions this court for review.

¶4 As the superior court correctly found, Smith raised the same issues in a previous petition for post-conviction relief, which the superior court dismissed and from which Smith did not seek review. "[T]o prevent endless or nearly endless reviews of the same case in the same trial court, Rule 32.2(a) precludes collateral relief on a ground that either was or could have been raised on direct appeal or in a previous [post-conviction relief] proceeding." *State v. Shrum*, 220 Ariz. 115, 118, ¶ 12 (2009) (citation omitted).

STATE v. SMITH
Decision of the Court

¶5

Accordingly, we grant review but deny relief.



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