

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

RUPERTO BERNAVE DELEON SALES, *Petitioner*.

No. 1 CA-CR 18-0082 PRPC
FILED 8-16-2018

Petition for Review from the Superior Court in Maricopa County
No. CR2014-123489-001
The Honorable Warren J. Granville, Judge

REVIEW DENIED

COUNSEL

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

Ruperto Bernave Deleon Sales, Florence
Petitioner

MEMORANDUM DECISION

Judge Michael J. Brown delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Judge Jon W. Thompson joined.

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B R O W N, Judge:

¶1 Ruperto Bernave Deleon Sales petitions this court for review from the dismissal of his petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure Rule 32. Because Sales has not complied with Rule 32.9, we deny review.

¶2 Sales was indicted on three counts of sexual conduct with a minor, class 2 felonies and dangerous crimes against children. He pled guilty to two counts of molestation and one count of attempted molestation with a stipulated sentence of two consecutive prison terms of 17.5 years and a lifetime probation grant. He was sentenced in accordance with the plea agreement to an aggregate term of 35 years in prison.

¶3 After the superior court denied his petition for post-conviction relief, Sales filed a two-page "Notice for Filing Petition for Review in the Appeals Court." He vaguely suggested the court failed to consider information provided in his "Motion Requesting Remedy From An Illegal Sentence." He then filed a "Motion Requesting An Extension of Time In Order to File Petition for Review." This court treated that motion as a request for additional time and gave Sales the opportunity to file a supplemental petition for review. Sales, however, did not file any supplement.

¶4 Rule 32.9(c)(4)(B) requires a defendant seeking post-conviction relief to include (1) a statement of the issues presented; (2) a statement of material facts, including specific references to the record; and (3) reasons why the petition should be granted. Because Sales failed to comply in any meaningful way with these requirements, we deny review. *See Ariz. R. Crim. P. 32.9(f)* (describing appellate review as discretionary);

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State v. French, 198 Ariz. 119, 122, ¶ 9 (App. 2000) (rejecting claims for failure to comply with Rule 32.9), *disapproved of on other grounds by Stewart v. Smith*, 202 Ariz. 446, 450, ¶ 10 (2002).



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