

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAR 29 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2012-0473-PR
	)	DEPARTMENT B
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
LORENZO REYES FELIX,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20084461

Honorable Howard Fell, Judge Pro Tempore

REVIEW DENIED

\_\_\_\_\_  
Lorenzo Reyes Felix

Florence  
In Propria Persona

\_\_\_\_\_  
V Á S Q U E Z, Presiding Judge.

¶1 Following a jury trial, petitioner Lorenzo Felix was convicted of first-degree burglary, kidnapping, aggravated assault, armed robbery, sexual abuse, theft of means of transportation, first-degree trafficking in stolen property, and theft of a credit card. The trial court found Felix had prior felony convictions and sentenced him to a combination of consecutive and concurrent aggravated and enhanced prison terms, the longest of which were fifteen years. We affirmed Felix's convictions and sentences on

appeal. *State v. Felix*, No. 2 CA-CR 2010-0320 (memorandum decision filed July 29, 2011).

¶2 Although Felix filed a notice of post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., he never filed a petition for post-conviction relief, nor did the trial court ever dismiss his notice. Instead, after the court denied several of Felix’s motions requesting information to support his apparent belief that exculpatory evidence had been removed from the trial transcripts, he filed a “Petition for Review of Petition for Special Action” in this court requesting relief from the court’s denial of his motions. In that petition, filed in this court on December 31, 2012, Felix asks for special action relief, maintaining the court’s rulings<sup>1</sup> are “interfering with [his] Pro-se, Rule 32, petition.”

¶3 After Felix filed the petition now before us, the trial court appointed new counsel to represent him in the post-conviction proceedings below and granted an extension to file a petition for post-conviction relief by April 1, 2013.<sup>2</sup> In the absence of the filing of a petition for post-conviction relief or the court’s ruling thereon, *see* Rule 32.9(c) (petition for review to be filed from denial of post-conviction relief), we deny

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<sup>1</sup>Felix specifically refers to the following rulings made by the trial court: motion for complete transmittal of the record; motion to reconsider denial of motion for complete transmittal of the record and stay of proceedings; and, petition for special action; motion to review motion to compel, and motion for stay of proceedings, motion for sanctions, motion to compel and motion for complete transmittal of the record, motion for extension.

<sup>2</sup>Although the trial court’s ruling dated January 16, 2013, stated Felix had until “April 1, 2011 to file his Rule 32 Petition for Post-Conviction Relief,” it appears the court intended to say “April 1, 2013.”

review without prejudice to Felix to proceed with the Rule 32 proceeding currently pending in the trial court.

¶4 The petition for review is denied.

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Judge\*

\*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Order filed December 12, 2012.