

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

MAY 30 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2013-0119-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
LOUIS ERNESTO CORRALES,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2000007141

Honorable Michael R. McVey, Judge

REVIEW GRANTED; RELIEF DENIED

Louis Corrales

Florence
In Propria Persona

V Á S Q U E Z, Presiding Judge.

¶1 Louis Corrales petitions this court for review of the trial court's summary dismissal of his successive notice of post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly has abused its

discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We grant review but deny relief.

¶2 Corrales was convicted after a jury trial of four counts of aggravated assault, two counts of misconduct involving weapons, endangerment, felony flight, and criminal trespass. He was sentenced to a combination of consecutive and concurrent, enhanced prison terms totaling 47.5 years. His convictions and sentences were affirmed on appeal. *State v. Corrales*, No. 1 CA-CR 01-0006 (memorandum decision filed Oct. 25, 2001). Corrales then sought post-conviction relief, arguing his trial counsel had been ineffective. After the trial court summarily dismissed that petition, this court denied review. *State v. Corrales*, No. 1 CA-CR 02-0850-PRPC (order filed Oct. 20, 2003).

¶3 In July 2011, Corrales filed a notice of post-conviction relief stating, without explanation, that he was raising a claim of ineffective assistance of counsel, that newly-discovered material facts exist, that the failure to file a timely notice of appeal or notice of post-conviction relief was without fault on his part, and that he is actually innocent. The trial court dismissed Corrales's notice, concluding he had failed "to state a claim for which relief can be granted in an untimely Rule 32 proceeding."

¶4 On review, Corrales does not directly address the dismissal of his notice, and instead claims the trial court erred by imposing consecutive sentences and that his trial counsel had been ineffective. Even had Corrales raised his sentencing claim below, it clearly is precluded, as is his claim of ineffective assistance of counsel. Ariz. R. Crim. P. 32.2(a)(3). Corrales appears to suggest, however, that the latter claim is based on

newly-discovered evidence, specifically various disciplinary actions taken against his trial counsel. But, even assuming that claim is cognizable under Rule 32.1(e), and thus not necessarily subject to preclusion under Rule 32.2(a), Corrales did not comply with Rule 32.2(b) because he did not set forth in his notice “meritorious reasons . . . substantiating the claim and indicating why the claim was not stated in the previous petition or in a timely manner.” Thus, the trial court did not err in summarily dismissing his successive notice of post-conviction relief.¹

¶5 Although review is granted, relief is denied.

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

CONCURRING:

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

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

¹The trial court did not expressly address in its ruling Corrales’s claims of actual innocence or that his failure to file a timely notice of appeal or notice of post-conviction relief was without fault on his part. But because Corrales raises neither claim on review, we do not address them.