

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

LAURO PALAFOX CORONA,
Petitioner.

No. 2 CA-CR 2017-0011-PR
Filed February 3, 2017

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Maricopa County
No. CR2009162530001DT
The Honorable Robert L. Gottsfield, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

William G. Montgomery, Maricopa County Attorney
By Gerald R. Grant, Deputy County Attorney, Phoenix
Counsel for Respondent

Lauro Palafox Corona, Kingman
In Propria Persona

STATE v. CORONA
Decision of the Court

MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Howard and Judge Vásquez concurred.

ECKERSTROM, Chief Judge:

¶1 Petitioner Lauro Corona seeks review of the trial court’s order dismissing his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Corona has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Corona was convicted of sexual assault, sexual abuse, luring a minor for sexual exploitation, unlawful imprisonment, and two counts of kidnapping. The trial court imposed sentences totaling 21.25 years’ imprisonment, to be followed by a lifetime term of probation. The convictions, sentences, and term of probation were affirmed on appeal. *State v. Palafox*, No. 1 CA-CR 11-0501 (Ariz. App. Feb. 26, 2013) (mem. decision).¹

¶3 Corona thereafter sought post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record and was “unable to find a meritorious issue” to raise in a Rule 32 proceeding. In a pro se, supplemental petition, however, Corona argued he had been improperly sentenced on two counts and that his term of lifetime probation was improper. The trial court summarily denied relief, concluding the claims were precluded and, in any event, without merit.

¹Although the petitioner’s last name varies on different items in the record, we use his name as it appears on the sentencing minute entry and the post-conviction documents before us.

STATE v. CORONA
Decision of the Court

¶4 On review Corona again argues his sentences were improper. But, as the trial court determined, any such claim is precluded by Corona's failure to raise it on appeal.² See Ariz. R. Crim. P. 32.2(a)(3).

¶5 Therefore, although we grant the petition for review, we deny relief.

²In his reply to the state's response to his petition for review, Corona briefly contends, for the first time, that he received ineffective assistance of counsel on appeal. Indeed, in his reply to the state's response to his petition for post-conviction relief filed in the trial court, Corona expressly stated that he did "not raise a claim of ineffective assistance of counsel." We do not address issues raised for the first time on review. *State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980); see also Ariz. R. Crim. P. 32.9(c)(1)(ii) (petition for review shall contain "[t]he issues which were decided by the trial court and which the defendant wishes to present" for review).