

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

LUIS NOE MIRAMON,  
*Petitioner.*

No. 2 CA-CR 2017-0106-PR  
Filed July 11, 2017

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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NOT FOR PUBLICATION  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.*

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Petition for Review from the Superior Court in Pima County  
No. CR20043568  
The Honorable Richard S. Fields, Judge

**REVIEW DENIED**

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Luis Noe Miramon, San Luis  
*In Propria Persona*

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**MEMORANDUM DECISION**

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Kelly<sup>1</sup> concurred.

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S T A R I N G, Presiding Judge:

¶1 Petitioner Luis Miramon seeks review of the trial court's order dismissing his pro se, successive and untimely notice of and petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. For the reasons that follow, we deny review.

¶2 Following a jury trial, Miramon was convicted of first-degree murder, two counts of aggravated assault with a deadly weapon or dangerous instrument, and two counts of endangerment. The trial court sentenced Miramon to life imprisonment without the possibility of release for twenty-five years on the first-degree murder conviction and to various presumptive, consecutive and concurrent sentences on the other convictions. We affirmed his convictions and sentences on appeal, *State v. Miramon*, 2 CA-CR 2005-0335 (Ariz. App. Sept. 21, 2007) (mem. decision), and denied relief on his petition for review of the trial court's denial of his first petition for post-conviction relief, *State v. Miramon*, 2 CA-CR 2009-0123-PR (Ariz. App. Aug. 21, 2009) (mem. decision).

¶3 In January 2017, Miramon filed a successive post-conviction notice and petition challenging the imposition of aggravating factors in violation of *Blakely v. Washington*, 542 U.S. 296 (2004), and suggesting that case constituted a significant change in the

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<sup>1</sup>The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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law pursuant to Rule 32.1(g).<sup>2</sup> The trial court dismissed his petition, noting he had failed to state reasons why he had not raised his claim earlier, and further noting he had “received presumptive sentences and there is no indication that the Court considered aggravating factors at all.” *See* Ariz. R. Crim. P. 32.2(b).

¶4 On review, Miramon develops no argument explaining why he believes the trial court’s ruling is legally or factually incorrect, and his petition for review is a near-verbatim recitation of the claims he presented to the court in his petition below.<sup>3</sup> *See* Ariz. R. Crim. P. 32.9(c)(1)(iv) (petition for review must contain “reasons why the petition should be granted”). Notably, Miramon does not assert the court improperly dismissed his petition, much less that it abused its discretion by doing so. *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007) (“We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.”).

¶5 Therefore, we deny review.

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<sup>2</sup> On the form notice of post-conviction relief, Miramon indicated his “untimely” notice but “timely” petition was based on a significant change in the law pursuant to Rule 32.1(g), Ariz. R. Crim. P.

<sup>3</sup>The only differences we noted between the petition below and the petition for review are a brief reference to timeliness at the beginning of the petition for review that mirrors a reference in the notice of post-conviction relief, and a reference in the final paragraph of the petition for review to “this reviewing court.”