

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

LORENZO REYES FELIX,
Petitioner.

No. 2 CA-CR 2020-0121-PR
Filed September 15, 2020

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NOT FOR PUBLICATION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. 31.19(e).

Petition for Review from the Superior Court in Pima County
No. CR20084461
The Honorable Howard Fell, Judge Pro Tempore

REVIEW DENIED

Lorenzo R. Felix, Florence
In Propria Persona

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MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Eppich and Judge Eckerstrom concurred.

ESPINOSA, Judge:

¶1 Petitioner Lorenzo Felix seeks review of the trial court’s July 2017 ruling denying his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P.¹ For the reasons stated below, we deny review.

¶2 After a jury trial, Felix was convicted of first-degree burglary, kidnapping, aggravated assault, armed robbery, two counts of sexual abuse, five counts of sexual assault, theft of a means of transportation, first-degree trafficking in stolen property, and theft of a credit card. The trial court sentenced him to a combination of consecutive and concurrent prison terms totaling ninety years. We affirmed Felix’s convictions and sentences on appeal. *State v. Felix*, No. 2 CA-CR 2010-0320 (Ariz. App. July 29, 2011) (mem. decision).

¶3 Felix thereafter sought post-conviction relief, and, after an evidentiary hearing on eight of his claims of ineffective assistance of counsel, the trial court denied relief in a July 2017 ruling. Felix filed a petition for review, but this court denied review because he had failed to comply with Rule 32.16(c) and to present any legal argument supporting his claims. *State v. Felix*, No. 2 CA-CR 2017-0294-PR (Ariz. App. Apr. 3, 2018) (mem. decision).

¶4 In September 2019, Felix filed a motion for rehearing pursuant to Rule 32.14(a), requesting that the trial court “reconsider its resolution” of his prior petition for post-conviction relief. The following month, the court

¹ Our supreme court amended the post-conviction relief rules, effective January 1, 2020. Ariz. Sup. Ct. Order R-19-0012 (Aug. 29, 2019). “Because it is neither infeasible nor works an injustice here, we cite to and apply the current version of the rules.” *State v. Mendoza*, 249 Ariz. 180, n.1 (App. 2020) (“amendments apply to all cases pending on the effective date unless a court determines that ‘applying the rule or amendment would be infeasible or work an injustice’” (quoting Ariz. Sup. Ct. Order R-19-0012)).

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denied the motion for rehearing, explaining, in part, that it was not timely filed. In May 2020, Felix filed a motion to file an untimely petition for review from the July 2017 ruling. The court, however, denied that request. In June 2020, Felix filed a notice of appeal, which this court treated as a petition for review.

¶5 In his subsequently filed petition alleging several claims for review, Felix requests that we substantively review the trial court’s July 2017 denial of his petition for post-conviction relief. He acknowledges that his petition is untimely but suggests we should nonetheless review the ruling because he is representing himself and is “unfamiliar[] with pleading requirements.”

¶6 Rule 32.16(a)(1) mandates that a petitioner file a petition for review “[n]o later than 30 days after the entry of the trial court’s final decision on a petition or a motion for rehearing.” Here, Felix’s June 2020 notice was filed nearly three years after the trial court’s July 2017 ruling and approximately eight months after the denial of his untimely motion for rehearing. *See* Ariz. R. Crim. P. 32.14(a). Although Rule 32.16(a)(4) allows the filing of a delayed petition, the court denied Felix’s request – also filed nearly three years after this court had denied review of his first petition for review – to do so. *State v. Felix*, No. 2 CA-CR 2017-0294-PR (Ariz. App. Apr. 3, 2018) (mem. decision). And Felix has cited no authority suggesting he is entitled to file an untimely petition for review from a ruling on which this court has previously denied review.

¶7 Because the petition for review is untimely, we deny review.