

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

MELINDA GABRIELLA VALENZUELA,
Petitioner.

No. 2 CA-CR 2020-0218-PR
Filed December 8, 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NOT FOR PUBLICATION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 Maricopa County
Nos. CR2012159201001DT and CR2013001579001DT (Consolidated)
The Honorable Rosa Mroz, Judge

REVIEW DENIED

Melinda Gabriella Valenzuela, Florence
In Propria Persona

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Chief Judge Vásquez and Judge Brearcliffe concurred.

STARING, Presiding Judge:

¶1 Melinda Valenzuela seeks review of the trial court’s order dismissing her petition for post-conviction relief, filed pursuant to Rule 33, Ariz. R. Crim. P.¹ “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 (App. 2007). Valenzuela has not sustained her burden of establishing such abuse here.

¶2 Pursuant to plea agreements in two causes, Valenzuela was convicted of theft of a means of transportation in CR 2012-159201 and again in CR 2013-001579. At sentencing in April 2014, the trial court imposed an enhanced, nine-year term of imprisonment in CR 2012-159201 and suspended the imposition of sentence in CR 2013-001579, placing Valenzuela on a five-year term of probation upon her release.

¶3 Valenzuela thereafter sought post-conviction relief in both causes, and appointed counsel filed a notice stating she had reviewed the record and was “unable to find any claims for relief to be raised in post-conviction relief proceedings.” After rejecting the claims Valenzuela had made in a pro per supplemental petition, the trial court summarily dismissed the proceeding as to both causes. Valenzuela sought review of that decision, and review was granted, but relief was denied. *State v. Valenzuela*, No. 1 CA-CR 16-0581 PRPC (Ariz. App. Nov. 16, 2017) (mem. decision).

¹ Our supreme court amended the post-conviction relief rules, effective January 1, 2020. Ariz. Sup. Ct. Order R-19-0012 (Aug. 29, 2019). “The 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.’” *State v. Mendoza*, 249 Ariz. 180, n.1 (App. 2020) (quoting Ariz. Sup. Ct. Order R-19-0012). “Because it is neither infeasible nor works an injustice here, we cite to and apply the current version of the rules.” *Id.*

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¶4 In September 2015, Valenzuela filed a new notice of post-conviction relief in CR 2013-001579, and then another, along with a petition, in January 2016. The trial court summarily dismissed the proceeding.

¶5 Valenzuela also sought post-conviction relief in CR 2012-159201 in October 2016, and the trial court summarily dismissed the proceeding. She filed another notice of post-conviction relief in that cause in September 2019, primarily arguing in her subsequent petition that newly discovered evidence entitled her to relief, specifically that her trial counsel had “made threats to kill [her] and forged her plea.” The court again summarily dismissed the proceeding in October 2019, concluding her claims did not constitute newly discovered evidence and were untimely and precluded in a successive proceeding.

¶6 On review, Valenzuela challenges the trial court’s October 2019 ruling. Her petition, however, does not comply with Rule 33.16(c)(2) in any meaningful way. She has cited no authority and does not explain how the court abused its discretion in rejecting her claims. Her failure to comply with our rules justifies our denial of review. *See State v. French*, 198 Ariz. 119, ¶ 9 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of petitions for review), *disapproved on other grounds by Stewart v. Smith*, 202 Ariz. 446, ¶ 10 (2002).

¶7 We deny the petition for review.