

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

ALEXANDRO MORAGA JR.,  
*Petitioner.*

No. 2 CA-CR 2021-0027-PR  
Filed August 30, 2021

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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NOT FOR PUBLICATION  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. 31.19(e).*

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Petition for Review from the Superior Court in Pinal County  
No. S1100CR201100488  
The Honorable Joseph R. Georgini, Judge

**REVIEW DENIED**

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COUNSEL

Kent P. Volkmer, Pinal County Attorney  
By Thomas C. McDermott, Bureau Chief - Criminal Appeals, Florence  
*Counsel for Respondent*

Alexandro Moraga Jr., Florence  
*In Propria Persona*

**MEMORANDUM DECISION**

Vice Chief Judge Staring authored the decision of the Court, in which Presiding Judge Espinosa and Judge Eckerstrom concurred.

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STARING, Vice Chief Judge:

¶1 Petitioner Alexandro Moraga Jr. 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 deny review.

¶2 After a jury trial, Moraga was convicted of two counts of kidnapping and one count each of aggravated assault, hindering prosecution, and weapons misconduct. The trial court sentenced him to enhanced, maximum, concurrent prison terms, the longest of which were life terms on the kidnapping counts. This court vacated one of his kidnapping convictions on appeal, but affirmed the remaining convictions and sentences. *State v. Moraga*, No. CA-CR 2013-0056 (Ariz. App. Jan. 28, 2014) (mem. decision).

¶3 In July 2018, Moraga initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record and "found no claims which could be raised under Rule 32." In a pro se supplemental petition, however, Moraga requested new counsel be appointed, referenced the rule set forth in *Brady v. Maryland*, 373 U.S. 83 (1963), argued that if he had "obtained Rule 32 counsel" he could have presented a claim based on a significant change in the law, and asserted a claim relating to the jury instructions at trial. The trial court summarily denied relief.<sup>1</sup>

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<sup>1</sup> The trial court stated that Moraga had not filed a pro se supplemental petition, but then concluded "that all matters contained in the Petition for Post-Conviction Relief are precluded . . . or untimely . . . or . . . lack[] sufficient basis in law and fact to warrant further proceedings." Moraga points out that he did file a pro se petition. But, in view of the court's comments evaluating the petition, it appears the court considered it.

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¶4 On review, Moraga discusses “the admission of out-of-court testimony,” newly discovered material facts, and cites various cases without supporting argument. We cannot determine how the issues presented relate to those raised before the trial court, some claims clearly were not raised in Moraga’s petition for post-conviction relief, and his petition for review generally fails to comply in any meaningful way with the requirements of Rule 32.16(c)(2). Accordingly, review is unwarranted. See Ariz. R. Crim. P. 32.16(k) (appellate review discretionary); *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).

¶5 For these reasons, we deny review.