

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

LEONARD LENTON MANNING,
Petitioner.

No. 2 CA-CR 2021-0092-PR
Filed March 28, 2022

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NOT FOR PUBLICATION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. CR20013335001
The Honorable Howard Fell, Judge Pro Tempore

REVIEW GRANTED; RELIEF DENIED

Leonard L. Manning, Florence
In Propria Persona

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MEMORANDUM DECISION

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

V Á S Q U E Z, Chief Judge:

¶1 Leonard Manning seeks review of the trial court’s ruling summarily dismissing his successive notice of post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that order unless the court abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015). Manning has not shown such abuse here.

¶2 After a jury trial, Manning was convicted of kidnapping a minor, second-degree child molestation, and aggravated assault of a minor and sentenced to consecutive prison terms totaling 52.25 years. We affirmed his convictions and sentences on appeal. *State v. Manning*, No. 2 CA-CR 2002-0453, ¶ 9 (Ariz. App. Jan. 13, 2004) (mem. decision). He has since sought and been denied post-conviction relief several times. *See State v. Manning*, No. 2 CA-CR 2014-0032-PR (Ariz. App. June 9, 2014) (mem. decision); *State v. Manning*, No. 2 CA-CR 2006-0219-PR (Ariz. App. Dec. 12, 2006) (mem. decision).

¶3 In June 2021, Manning filed a notice of post-conviction relief indicating he was raising a claim of newly discovered evidence and that his failure to file a timely notice of post-conviction relief was without fault on his part. He attached a list of allegations, including that a search warrant had been improperly based on information from an anonymous source and that his arrest had been illegal. He also claimed that, in 2016, he had received disclosure from the state purportedly showing that “evidence that related to [a] DNA test appeared tampered with,” specifically that a “crime laboratory coordinator” had “mishandled evidence [in] other cases” and that the “photo notes” used by the “DNA Expert[]” in his case showed evidence seized from his home had been tampered with. Manning additionally asserted, as we understand his claim, that he was involuntarily denied a jury trial on a charge that was ultimately dismissed, apparently believing an acquittal on that charge would negate his other convictions. The trial court summarily dismissed the notice, observing that Manning had not demonstrated why he had not previously raised these claims. This petition for review followed.

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¶4 On review, Manning again provides a list of allegations, repeating some made below and adding new ones, including that an in-court identification had been “tainted” and the state’s prosecution had been “vindictive.” The bulk of these claims are untimely and cannot be raised in a successive proceeding like this one. *See* Ariz. R. Crim. P. 32.1(a), 32.2(a)(3), 32.4(b)(3)(A). The sole claim that Manning identifies that can be raised in a successive proceeding is his claim of newly discovered evidence under Rule 32.1(e). *See* Ariz. R. Crim. P. 32.2(b), 32.4(b)(3)(B). But, even if Manning had otherwise identified a valid claim under Rule 32.1(e), such claims must be brought “within a reasonable time after discovering the basis of the claim,” Ariz. R. Crim. P. 32.4(b)(3)(B), and he has not explained his failure to raise the claim sooner, as required by Rule 32.2(b). Thus, the trial court did not err in summarily dismissing Manning’s most-recent notice of post-conviction relief.

¶5 We grant review but deny relief.