

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

JESUS MUNIZ-LOERA, *Petitioner*.

No. 1 CA-CR 14-0714 PRPC
FILED 8-23-2016

Petition for Review from the Superior Court in Yavapai County

No. P1300CR200901327

P1300CR200901328

P1300CR201000771

P1300CR201000772

The Honorable Cele Hancock, Judge

REVIEW DENIED

COUNSEL

Yavapai County Attorney's Office, Prescott
By Dana E. Owens
Counsel for Respondent

Jesus Muniz-Loera, Eloy
Petitioner Pro Se

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MEMORANDUM DECISION

Presiding Judge Andrew W. Gould delivered the decision of the Court, in which Judge Peter B. Swann and Judge Patricia A. Orozco joined.

G O U L D, Judge:

¶1 Petitioner Jesus Muniz-Loera seeks review of the superior court's order denying his third petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1. Because Muniz-Loera fails to set forth "the issues which were decided by the trial court and which the defendant wishes to present . . . for review," and "the reasons why the petition should be granted," as required by Rule 32.9(c)(1)(ii) and (iv), we deny review.

¶2 After Muniz-Loera filed his third post-conviction relief proceeding, the superior court summarily dismissed. On review, Muniz-Loera has simply replaced the cover page of his petition for post-conviction relief filed in the superior court with the cover page of his petition for review. No effort is made to address the superior court's ruling or explain how the court erred in summarily dismissing the proceeding. *See* Ariz. R. Crim. P. 32.9(c)(1)(i) (petition "shall" set forth "reasons why the petition for review should be granted"); *see also State v. Ekmanis*, 180 Ariz. 429, 432 (App. 1994) (petition for review must set forth the specific claim with record references and argument); *State v. French*, 198 Ariz. 119, 122, ¶ 9 (App. 2000) (summarily rejecting claims for failure to comply with Rule 32.9), *disapproved on other grounds by Stewart v. Smith*, 202 Ariz. 446, 450, ¶ 10 (2002).

¶3 As noted, Rule 32.9(c)(1) limits this court's review to those "issues which were decided by the trial court" and are presented for review. The rule also provides that "[f]ailure to raise any issue that could be raised in the petition . . . for review shall constitute waiver of appellate review of that issue." Ariz. R. Crim. P. 32.9(c)(1); *see also State v. Smith*, 184 Ariz. 456, 459 (1996) (no fundamental error review in a post-conviction relief proceeding). Muniz-Loera's petition for review fails to challenge the superior court's ruling, and he has therefore waived appellate review of

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those issues. Because he has failed to comply in any meaningful way with the requirements of Rule 32.9, we deny review. *See* Ariz. R. Crim. P. 32.9(f) (review discretionary).



Amy M. Wood • Clerk of the court
FILED: AA