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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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.

JEFFREY LEE MOORE, *Petitioner*.

No. 1 CA-CR 14-0786 PRPC
FILED 11-1-2016

Petition for Review from the Superior Court in Maricopa County
No. CR2008-005715-001
The Honorable Paul J. McMurdie, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Arthur G. Hazelton, Jr.
Counsel for Respondent

Jeffrey Lee Moore, Buckeye
Petitioner Pro Per

MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Diane M. Johnsen and Chief Judge Michael J. Brown joined.

T H O M P S O N, Judge:

¶1 Petitioner Jeffrey Lee Moore petitions this court for review from the dismissal of his untimely first petition for post-conviction relief. Moore pled guilty to first degree murder in 2010 and the trial court imposed a stipulated sentence of life imprisonment with the possibility of parole after twenty-five years.

¶2 Moore argues he only recently learned that there is no statutory mechanism through which he can be placed on parole once he becomes eligible. While the applicable sentencing statute provided for the possibility of parole after twenty-five years, the legislature abolished parole in 1993 when it amended Arizona Revised Statutes (A.R.S.) section 41-1604.06. *See* A.R.S. § 13-703 (2003) (sentences for first degree murder); 1993 Ariz. Sess. Laws, ch. 255 § 86 (1st Reg. Sess.) (amending A.R.S. § 41-1604.06). Moore argues his counsel was ineffective for failing to inform Moore of this before he accepted the plea agreement.

¶3 We deny review because the issue is not yet ripe.[1] With his credit for presentence incarceration, Moore will not be eligible for parole until early 2033. If, in 2033, the state denies Moore is eligible for parole, the issue will be ripe for consideration.

¶4 While the petition for review arguably presents additional issues, we do not address those issues because Moore did not first present them to the trial court. *State v. Ramirez*, 126 Ariz. 464, 467, 616 P.2d 924, 927 (App. 1980); *State v. Wagstaff*, 161 Ariz. 66, 71, 775 P.2d 1130, 1135 (App. 1988); *State v. Bortz*, 169 Ariz. 575, 577, 821 P.2d 236, 238 (App. 1991); Ariz. R. Crim. P. 32.9(c)(1)(ii).

[1] We decline to address whether the petition was untimely.

¶5 We grant review but deny relief.

AMY M. WOOD • Clerk of the Court
FILED: AA