

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Respondent*,

*v.*

LEON ROBERTSON, *Petitioner*.

No. 1 CA-CR 14-0832 PRPC  
FILED 10-11-2016

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Petition for Review from the Superior Court in Maricopa County  
No. CR2013-100989-001  
The Honorable Robert L. Gottsfield, Judge *Retired*

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

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

Leon Robertson, Tucson  
*Petitioner Pro Se*

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**MEMORANDUM DECISION**

Judge Donn Kessler authored the decision of the Court, in which Presiding  
Judge Kenton D. Jones and Judge Randall M. Howe joined.

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STATE v. ROBERTSON  
Decision of the Court

**K E S S L E R**, Judge:

¶1 Petitioner Leon Robertson seeks review of the superior court’s summary dismissal of his pro se petition for post-conviction relief of-right. Robertson pled guilty to misconduct involving weapons and possession or use of narcotic drugs. Robertson argues his trial counsel was ineffective when counsel failed to file a motion to suppress, conduct pre-trial investigation, and present an affidavit from Robertson’s wife professing his innocence. Robertson also argues his post-conviction relief counsel was ineffective when she failed to raise these issues and when she “fabricated” evidence by explaining her view of the evidence in correspondence to Robertson.<sup>1</sup>

¶2 We deny relief. A plea agreement waives all non-jurisdictional defenses, errors, and defects which occurred prior to the plea. *State v. Flores*, 218 Ariz. 407, 409-10, ¶ 6 (App. 2008). This includes deprivations of constitutional rights, *id.*, and all claims of ineffective assistance of counsel not directly related to the entry of the plea, *State v. Quick*, 177 Ariz. 314, 316 (App. 1993). Further, because Robertson waived these issues, post-conviction relief counsel had no issues to raise. Finally, interpreting the evidence in a manner with which Robertson did not agree was not “fabricating” evidence.

¶3 We do not address the other issues Robertson raises in his petition because he did not present those issues to the trial court. *State v. Ramirez*, 126 Ariz. 464, 467 (App. 1980) (clarifying this Court will not review issues raised for the first time in a motion for rehearing); *State v. Wagstaff*, 161 Ariz. 66, 71 (App. 1988) (same); Ariz. R. Crim. P. 32.9(c)(1)(ii).

¶4 We grant review and deny relief.



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

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<sup>1</sup> Robertson’s post-conviction relief counsel found no colorable claims for relief.