

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

DANIEL W. MONTAG, *Petitioner*.

No. 1 CA-CR 14-0660 PRPC  
FILED 11-1-2016

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Petition for Review from the Superior Court in Maricopa County  
No. CR 1997-006910  
The Honorable Sam J. Myers, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Diane Meloche  
*Counsel for Respondent*

Daniel W. Montag, Florence  
*Petitioner Pro Se*

STATE v. MONTAG  
Decision of the Court

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**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.

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**T H O M P S O N**, Judge:

¶1 Petitioner Daniel W. Montag petitions this court for review from the summary dismissal of his second petition for post-conviction relief. In 1998, Montag pled guilty to sexual conduct with a minor and attempted sexual conduct with a minor, both dangerous crimes against children. The superior court sentenced Montag to eighteen years imprisonment for sexual conduct with a minor followed by community supervision upon his release. The court placed Montag on lifetime probation for attempted sexual conduct with a minor.

¶2 Montag argues the superior court erred when it required Montag to serve a term of community supervision upon release for one count and at the same time placed Montag on lifetime probation for another count. This claim is precluded because Montag could have raised this issue in a timely petition for post-conviction relief of-right in 1998. Ariz. R. Crim. P. 32.2(a). None of the exceptions under Rule 32.2(b) apply and Montag's lack of familiarity with the law is not a valid excuse.

¶3 We grant review and deny relief.



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