NOTICE: NOT FOR PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

EFRAIN SERRANO, *Petitioner*.

No. 1 CA-CR 13-0138 PRPC
FILED 06-10-2014

Petition for Review from the Superior Court in Maricopa County
No. CR2006-166875-001
The Honorable Connie Contes, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Efrain Serrano, Florence
Petitioner Pro Se

MEMORANDUM DECISION

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

H O W E , Judge:

¶1 Petitioner Efrain Serrano petitions this Court for review from the dismissal of his petition for post-conviction relief. The Court has considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 Serrano pled guilty to attempted kidnapping and two counts of attempted molestation of a child. The trial court sentenced him to fifteen years' imprisonment for attempted kidnapping and placed him on lifetime probation for each count of attempted molestation. Serrano now seeks review of the summary dismissal of a pleading the trial court treated as his second petition for post-conviction relief. We have jurisdiction pursuant to Arizona Rule of Criminal Procedure 32.9(c).

¶3 Serrano argues his convictions and sentences for two counts of attempted molestation of a child violated the prohibitions against double jeopardy. We deny relief because Serrano could have raised this issue in his first petition for post-conviction relief. Any claim a defendant could have raised in an earlier post-conviction relief proceeding is precluded. Ariz. R. Crim. P. 32.2(a). None of the exceptions under Rule 32.2(b) apply.

¶4 While the petition for review arguably presents additional issues, Serrano did not raise those issues in the petition for post-conviction relief he filed below. A petition for review may not present issues not first presented to the trial court. *State v. Bortz*, 169 Ariz. 575, 577, 821 P.2d 236, 238 (App. 1991); Ariz. R. Crim. P. 32.9(c)(1)(ii).

¶5 We grant review and deny relief.



Ruth A. Willingham · Clerk of the Court
FILED: gsh