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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

MARLON WEBB, *Petitioner*.

No. 1 CA-CR 15-0138 PRPC
FILED 1-26-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2008-007841-008 DT
The Honorable Rosa Mroz, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Marlon Webb, Tucson
Petitioner

MEMORANDUM DECISION

Judge Lawrence F. Winthrop delivered the decision of the Court, in which Presiding Judge Randall M. Howe and Judge Jon W. Thompson joined.

W I N T H R O P, Judge:

¶1 Petitioner, Marlon Webb, petitions this court for review from the summary dismissal of his first notice of post-conviction relief. Webb pled guilty to offering to sell cocaine in 2009, but did not file his first notice of post-conviction relief until 2014. The superior court dismissed the notice as untimely. Webb argues the superior court should have allowed him to file his first notice of post-conviction relief more than five years late because he believed the post-conviction relief proceedings of other co-defendants applied to him.

¶2 We deny relief. Webb received a "Notice of Rights of Review After Conviction and Procedure" when sentenced in April 2009. That notice explained Webb's right to post-conviction relief and what he was required to do to exercise that right, including how he was required to file a notice of post-conviction relief within ninety days of the entry of judgment and sentence. Webb's subjective belief that unidentified post-conviction relief proceedings of unidentified co-defendants somehow applied to his case is insufficient to present a colorable claim for relief pursuant to Arizona Rule of Criminal Procedure 32.1(f).

¶3 Accordingly, we grant review, but deny relief.



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