

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

APR -9 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2013-0051-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
MELINDA GABRIELLA VALENZUELA,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2005127547001DT

Honorable Brian K. Ishikawa, Judge

REVIEW DENIED

William G. Montgomery, Maricopa County Attorney
By Gerald R. Grant

Phoenix
Attorneys for Respondent

Melinda Gabriella Valenzuela

Florence
In Propria Persona

V Á S Q U E Z, Presiding Judge.

¶1 Petitioner Melinda Valenzuela¹ seeks review of the trial court's order denying her ninth petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R.

¹The trial court granted Valenzuela's request to amend the caption in this matter from the name under which she had been convicted—Enrique Gabrielle Mendez—to Melinda Gabriella Valenzuela.

Crim. P. Because Valenzuela has been released from custody, her petition is dismissed as moot.

¶2 Pursuant to a plea agreement Valenzuela was convicted of one count of theft of a means of transportation, and the trial court imposed an enhanced, presumptive 6.5-year term of imprisonment. Valenzuela sought and was denied post-conviction relief eight times between 2006 and 2011. In the petition currently being reviewed, Valenzuela claimed only that she was being held in custody after her sentence had expired. The trial court summarily dismissed the petition.

¶3 On review, Valenzuela again argues only that she is entitled to release because her sentence has expired. In light of the fact that Valenzuela has been released from custody during the pendency of the petition for review, her claim that she is being held in custody beyond her release date is moot. We thus deny review and dismiss her petition. *Cf. State v. Hartford*, 145 Ariz. 403, 405, 701 P.2d 1211, 1213 (App. 1985) (“[W]hen an entire sentence has been served prior to consideration of that sole issue on appeal, the validity of its imposition is a moot question.”) (emphasis omitted).

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge

/s/ Michael Miller
MICHAEL MILLER, Judge