

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

CONRAD ANTHONY GOMEZ,
Petitioner.

No. 2 CA-CR 2016-0302-PR
Filed December 12, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Pima County

No. CR20113207001

The Honorable Teresa Godoy, Judge Pro Tempore

REVIEW DENIED

Conrad Gomez, Kingman
In Propria Persona

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MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Presiding Judge Vásquez and Chief Judge Eckerstrom concurred.

M I L L E R, Judge:

¶1 Conrad Gomez seeks review of the trial court’s order denying his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We deny review.

¶2 After a jury trial, Gomez was convicted of two counts of aggravated assault, one against a minor under the age of fifteen. The latter count was treated as a dangerous crime against children (DCAC) at sentencing, and the trial court imposed consecutive prison terms totaling 18.5 years. We affirmed Gomez’s convictions and sentences on appeal. *State v. Gomez*, No. 2 CA-CR 2012-0438, ¶ 15 (Ariz. App. Mar. 19, 2014) (mem. decision).

¶3 Gomez sought post-conviction relief, arguing his constitutional rights had been violated because the jury did not find his offense was a DCAC and his trial counsel had been ineffective in failing to: (1) request a special verdict form for that count, (2) argue to the jury that he had not targeted the minor victim, and (3) request a lesser-included-offense instruction. The trial court summarily denied relief. This petition for review followed.

¶4 Gomez’s sole argument on review is that his trial counsel was ineffective for failing to object to the verdict forms because they did not include “degrees of guilt” as required by Rule 23.2(d), Ariz. R. Crim. P. He did not raise this claim in his petition below, and we thus will not address it for the first time on review. *See* Ariz. R. Crim. P. 32.9(c)(1)(ii) (petition for review must contain “issues which were decided by the trial court and which the defendant wishes to present to the appellate court for review”); *State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980)

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(appellate court will not consider on review claims not raised below).

¶5 We deny review.