

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-106178-001 SE

02/06/2019

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
K. Sotello-Stevenson
Deputy

STATE OF ARIZONA

AMANDA MONCAYO PARKER

v.

DAIMEN JOSEPH IRIZARRY (001)

DAIMEN JOSEPH IRIZARRY
257614 ASPC LEWIS
PO BOX 70
BUCKEYE AZ 85326
KENNETH S COUNTRYMAN
CHARLES K SHELL

COURT ADMIN-CRIMINAL-PCR
JUDGE WHITTEN

JESSICA ANN GATTUSO

PETITION FOR POST-CONVICTION RELIEF DISMISSED

The Court has Defendant's Notice of Post-Conviction Relief, filed January 30, 2019, which is a successive petition asserting that newly discovered material facts exist which would probably have changed the verdict or sentence.

Defendant generally describes the newly discovered evidence supporting his petition by alleging that the trial prosecutor "answer(ed) some questions involving Mr. Irizarry" during State Bar proceedings. There is no description of that testimony, how it would have affected the verdict or sentencing or what efforts have been made to obtain the evidence previously.

The current petition fails to allege the existence of newly discovered evidence and therefore fails as a matter of law.

ACCORDINGLY, Defendant's January 30, 2019 Petition for Post-Conviction Relief is dismissed.