

SUPREME COURT OF ARIZONA

MARSHALL MARTINEZ,) Arizona Supreme Court
Petitioner,) No. HC-18-0038
v.) Maricopa County Superior Court
) No. CR-104149
)
TODD THOMAS, Warden,) FILED: 2/21/2019
)
Respondent.)

) O R D E R

Marshall Martinez has filed a Petition for Writ of Habeas Corpus asserting that a Hawaii state court improperly used the prior conviction from his 1979 Alford plea, Maricopa County Superior Court case number CR-104149, to enhance the sentence imposed in Hawaii v. Martinez, Second Circuit Court, case number CR-7716(1). In 2013, Mr. Martinez presented this same issue in a habeas corpus petition, which this Court dismissed, case number HC-13-0013. In 2016, the superior court dismissed Mr. Martinez's Rule 32 petition for post-conviction relief, and the Arizona Court of Appeals dismissed the petition for review, 1 CA-CR 16-0210 PRPC, "because the defendant's claims were not cognizable under Rule 32.1, and because this court has no jurisdiction over the defendant's proceedings in Hawaii." Mr. Martinez did not file a petition for review in this Court. See Rule 32.9(g), Ariz. R. Crim. P. Therefore,

IT IS ORDERED that the Petition for Writ of Habeas Corpus and related Motion/Notice are dismissed.

DATED this 21st day of February, 2019.

/s/
John Pelander
Duty Justice

TO:

Marshall Martinez, A0712871, Corrections Corporation of America,
Saguaro Correctional Facility