

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

NOEL ALEJANDRO ALCAREZ-GUERRERO,
Petitioner.

No. 2 CA-CR 2016-0265-PR
Filed October 11, 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NOT FOR PUBLICATION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 Cochise County
No. CR200500144
The Honorable Wallace R. Hoggatt, Judge

REVIEW GRANTED; RELIEF DENIED

Noel Alejandro Alcaez-Guerrero, Buckeye
In Propria Persona

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MEMORANDUM DECISION

Judge Staring authored the decision of the Court, in which Presiding Judge Howard and Judge Espinosa concurred.

STARING, Judge:

¶1 Petitioner Noel Alcarez-Guerrero 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 will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Alcarez-Guerrero has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Alcarez-Guerrero was convicted of first-degree murder, kidnapping, and three counts of aggravated assault. The trial court sentenced him to natural life for the murder conviction, to be served concurrently with a six-year term and a 7.5-year term for two of the aggravated assault counts. It ordered that a five-year term for kidnapping and a one-year term for aggravated assault would be served concurrently to one another, but consecutively to the other sentences. This court affirmed the convictions and sentences on appeal. *State v. Alcarez-Guerrero*, No. 2 CA-CR 2006-0115 (Ariz. App. Aug. 16, 2007) (mem. decision). Alcarez-Guerrero thereafter sought and was denied post-conviction relief, and this court denied relief on review. *State v. Alcarez-Guerrero*, No. 2 CA-CR 2009-0010-PR (Ariz. App. June 15, 2009) (mem. decision).

¶3 In November 2015, Alcarez-Guerrero initiated another proceeding for post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and was "unable to find a tenable issue to submit to th[e] Court pursuant to" Rule 32. In a pro se, supplemental petition, however, Alcarez-Guerrero asserted that the United States Supreme Court's decision in *Lafler v. Cooper*, 132 S.

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Ct. 1376 (2012) “creates a significant change in the law” that entitled him to relief, based on his counsel’s alleged ineffectiveness during plea negotiations. In his reply to the state’s response he also asserted his first Rule 32 counsel had been ineffective. The trial court summarily denied relief.

¶4 On review, Alcaez-Guerrero again asserts *Lafler* constitutes a significant change in the law and he received ineffective assistance of trial and first Rule 32 counsel, and he maintains the trial court erred in denying relief. But we cannot say the court abused its discretion in denying the petition for post-conviction relief. The court clearly identified the claims Alcaez-Guerrero had raised and resolved them correctly in a thorough, well-reasoned minute entry, which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision”).

¶5 Therefore, although we grant the petition for review, we deny relief.