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
NOV 25 2008
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	2 CA-CR 2008-0214-PR
Respondent,	)	DEPARTMENT A
	)	
v.	)	MEMORANDUM DECISION
	)	Not for Publication
BILLIE GENE CUMMINGS,	)	Rule 111, Rules of
	)	the Supreme Court
Petitioner.	)	
	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20042518

Honorable Michael J. Cruikshank, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines — Tucson
Attorneys for Respondent

Barton & Storts, P.C.
By Brick P. Storts, III — Tucson
Attorneys for Petitioner

H O W A R D, Presiding Judge.

¶1 Petitioner Billie Gene Cummings seeks review of the trial court's summary denial of his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P., and claims he had presented at least a colorable claim of ineffective assistance of counsel. Specifically, he asserts that trial counsel was ineffective in failing to advise him how his prior conviction could be used against him if he elected to testify, in failing to discuss the "pros and cons" of whether to testify, in failing to prepare him in the event that he did decide to testify, and in advising him not to testify.[1] We review a trial court's decision granting or denying post-conviction relief for an abuse of discretion. *State v. Watton*, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990). Because we find none here, and although we accept review, we deny relief.

¶2 When the trial court's order denying a petition for post-conviction relief "clearly identif[ies] the issues raised[, and e]ach issue raised is correctly ruled upon in a fashion that will allow any court in the future to understand the resolution[, then n]o useful purpose would be served by this court rehashing the trial court's correct ruling in a written decision." *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). Here, in a detailed five-page minute entry ruling, the trial court clearly and correctly addressed the merits of Cummings's ineffective assistance of counsel claim raised in his petition for post-

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[1]Cummings mentions other potential instances of ineffective assistance of counsel but fails to adequately develop any argument concerning them. Therefore, these issues are waived. *See* Ariz. R. Crim. P. 32.9(c)(1)(ii), (iv); *State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995).

conviction relief that he also raises in his petition for review.[2] We will not repeat that analysis here. The trial court did not abuse its discretion in denying Cummings's petition for post-conviction relief.

Conclusion

¶3 We grant review of Cummings's petition but deny relief.

_____
JOSEPH W. HOWARD, Presiding Judge

CONCURRING:

_____
JOHN PELANDER, Chief Judge

_____
J. WILLIAM BRAMMER, JR., Judge

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[2]To the extent that the trial court relied on testimony presented at trial in rendering its decision, we note that the trial transcripts are not included in the record. We therefore presume the contents of the missing transcripts support the trial court's ruling. *See State v. Wilson*, 179 Ariz. 17, 19 n. 1, 875 P.2d 1322, 1324 n.1 (App. 1993).