

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

APR -1 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0516-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
REYNALDO JESUS LEDESMA,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20093783001

Honorable Terry L. Chandler, Judge

REVIEW GRANTED; RELIEF DENIED

Higgins and Higgins, P.C.
By Harold Higgins

Tucson
Attorneys for Petitioner

H O W A R D, Chief Judge.

¶1 Petitioner Reynaldo Ledesma seeks review of the trial court's order denying his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P., in which he alleged he had received ineffective assistance of trial counsel. "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). Ledesma has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Ledesma was convicted of first-degree burglary, armed robbery, trafficking in stolen property, and four counts of aggravated assault with a deadly weapon or dangerous instrument. The trial court sentenced him to a combination of concurrent and consecutive prison terms totaling eighteen years. This court affirmed his convictions and sentences on appeal. *State v. Ledesma*, No. 2 CA-CR 2010-0292 (memorandum decision filed June 17, 2011).

¶3 Ledesma thereafter initiated a post-conviction relief proceeding, arguing in his petition that trial counsel had been ineffective in (1) failing to move to suppress identifications based in part on a security video recording the state failed to preserve or request a *Willits*¹ instruction in relation to the video, (2) making an inadequate argument in a pretrial motion to suppress an identification, (3) failing to object to certain hearsay testimony, (4) not challenging one of the robbery counts for which the state allegedly failed to produce sufficient evidence, (5) not objecting to certain “inflammatory comments” by a witness, and (6) not moving to sever the burglary charge from the other charges. He also alleged appellate counsel was ineffective in failing to challenge the sufficiency of the evidence to support one of the robbery counts. The trial court summarily denied relief.

¶4 On review Ledesma contends the court erred in denying relief, essentially reasserting his arguments made below. The trial court, however, correctly and

¹*State v. Willits*, 96 Ariz. 184, 393 P.2d 274 (1964).

thoroughly identified and addressed Ledesma’s claims in a well-reasoned minute entry, and “[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). We therefore adopt it. Thus, although we grant the petition for review, relief is denied.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ Michael Miller
MICHAEL MILLER, Judge