

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

JOSHUA MARTIN MELECIO,
Petitioner.

No. 2 CA-CR 2013-0466-PR
Filed March 3, 2014

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NOT FOR PUBLICATION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); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Maricopa County
No. CR2011127178001DT
The Honorable Roger Brodman, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

William G. Montgomery, Maricopa County Attorney
By Gerald R. Grant, Deputy County Attorney, Phoenix
Counsel for Respondent

Joshua M. Melecio, Buckeye
In Propria Persona

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Miller and Judge Brammer concurred.

V Á S Q U E Z, Presiding Judge:

¶1 Petitioner Joshua Melecio 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). Melecio has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Melecio was convicted of attempted armed robbery. The trial court suspended the imposition of sentence and placed Melecio on a three-year term of probation.¹ Melecio thereafter initiated a post-conviction relief proceeding, arguing in his petition that trial counsel had been ineffective in “not requesting a mental health prescreen” before Melecio entered his guilty plea. The trial court summarily denied relief.

¶3 On review, Melecio contends the trial court erred in rejecting his claim that counsel was ineffective in failing to request “a mental competency examination.” We cannot say the court abused its discretion in denying Melecio’s petition for post-conviction relief. The court clearly identified the claims Melecio had raised and resolved them correctly in its thorough, well-reasoned minute entry. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358,

¹As part of his plea agreement, Melecio apparently also pled guilty to two counts of armed robbery in two separate causes and was sentenced to concurrent, aggravated prison sentences of fifteen years’ imprisonment on those counts.

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1360 (App. 1993). “No useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision,” *id.*, and we therefore adopt it. Although we grant the petition for review, we deny relief.