

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

TINA MARIE SMITH,
Petitioner.

No. 2 CA-CR 2013-0502-PR
Filed February 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NOT FOR PUBLICATION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. CR2009048845001SE

The Honorable Susanna C. Pineda, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

William G. Montgomery, Maricopa County Attorney
By Catherine Leisch, Deputy County Attorney, Phoenix
Counsel for Respondent

Tina Smith, Goodyear
In Propria Persona

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MEMORANDUM DECISION

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

H O W A R D, Chief Judge:

¶1 Petitioner Tina Smith seeks review of the trial court's order denying her 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). Smith has not sustained her burden of establishing such abuse here.

¶2 After a jury trial, Smith was convicted of aggravated taking of the identity of another, and the trial court sentenced her to 11.25 years' imprisonment. Smith's conviction and sentence were affirmed on appeal. *State v. Smith*, No. 1 CA-CR 10-1007 (memorandum decision filed Oct. 18, 2011).

¶3 Smith thereafter initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and was "unable to find a colorable issue to submit to the court pursuant to Rule 32." In a supplemental pro se petition, Smith maintained she had received ineffective assistance of counsel because counsel had not interviewed "contacts" she had given him and because "[h]e called no witnesses." She also asserted claims apparently relating to the sufficiency of the evidence to sustain her conviction, and to her request to hire new counsel during trial. The trial court summarily denied relief.

¶4 On review, Smith repeats the arguments she made below and claims the trial court abused its discretion in rejecting them. We cannot say the court abused its discretion in denying Smith's petition for post-conviction relief. The court clearly

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identified the claims she 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”). Therefore, although we grant the petition for review, we deny relief.