

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

---

THE STATE OF ARIZONA,  
*Respondent,*

*v.*

SIGNE JONES,  
*Petitioner.*

No. 2 CA-CR 2014-0060-PR  
Filed May 6, 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NOT FOR PUBLICATION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  
Nos. CR2009007427002DT and CR2010005371002DT  
The Honorable Roland J. Steinle, Judge

**REVIEW GRANTED; RELIEF DENIED**

---

COUNSEL

William G. Montgomery, Maricopa County Attorney  
By Susan L. Luder, Deputy County Attorney, Phoenix  
*Counsel for Respondent*

Signe Jones, Kingman  
*In Propria Persona*

STATE v. JONES  
Decision of the Court

---

**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 Signe Jones petitions this court for review of the trial court's order summarily dismissing his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly has abused its discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Jones has not met his burden of demonstrating such abuse here.

¶2 Jones pled guilty to conspiracy to sell or transport marijuana, illegal control of an enterprise, and assisting a criminal street gang; the trial court sentenced him to a ten-year prison term for conspiracy to be followed by concurrent, three-year probation terms on the remaining convictions. Approximately nine months after sentencing, Jones filed a notice of post-conviction relief asserting his filing was untimely because he had no access to legal materials. The trial court appointed counsel, who filed a notice stating she had reviewed the record but found no "tenable issue to submit to the court pursuant to Rule 32."

¶3 Jones then filed a pro se petition claiming his trial counsel had been ineffective and that *United States v. Jones*, \_\_\_ U.S. \_\_\_, 132 S. Ct. 945 (2012), is a change in the law applicable to his case. He asserted that law enforcement officers had collected evidence against him through the warrantless use of global positioning system (GPS) in violation of the Supreme Court's holding in *Jones*. The trial court denied relief, summarily dismissing Jones's "Notice of Post-Conviction Relief" because it was untimely pursuant to Rule 32.4(a) and Jones "ha[d] not provided the Court with any specific facts as to how he might come within one of the exception[s] to the timeliness requirements."

STATE v. JONES  
Decision of the Court

¶4 On review, Jones repeats his claim that *Jones* constitutes a significant change in the law applicable to his case pursuant to Rule 32.1(g) and correctly asserts that he is permitted to raise that claim in an untimely proceeding. See Ariz. R. Crim. P. 32.4(a). But, although it is unclear why the trial court dismissed this claim on timeliness grounds, Jones is nonetheless not entitled to relief. We may affirm a trial court's ruling when it reaches the correct result for any reason supported by the record. *State v. Olquin*, 216 Ariz. 250, n. 5, 165 P.3d 228, 231 n. 5 (App. 2007).

¶5 A defendant is entitled to relief pursuant to Rule 32.1(g) if he or she demonstrates "[t]here has been a significant change in the law that if determined to apply to defendant's case would probably overturn the defendant's conviction or sentence." The Supreme Court in *Jones* determined that the government's placement of a GPS tracking device on a defendant's vehicle without first obtaining a warrant was an impermissible trespass. \_\_\_ U.S. at \_\_\_, 132 S. Ct. at 949, 52-53. But even assuming that law enforcement engaged in similar conduct here and that *Jones* would apply, Jones pled guilty and therefore waived all non-jurisdictional defects, including the violation of his constitutional rights. See *State v. Flores*, 218 Ariz. 407, ¶ 6, 188 P.3d 706, 708-09 (App. 2008); see also *State v. Lopez*, 99 Ariz. 11, 13, 405 P.2d 892, 893 (1965) (by entering guilty plea defendant waives challenges to legality of search and seizure of evidence). Indeed, Jones's plea agreement expressly states that he "waives and gives up any and all motions, defenses, objections, or requests which he had made or raised, or could assert hereafter, to the court's entry of judgment against him." Thus, the Supreme Court's holding in *Jones* cannot "overturn [Jones's] conviction or sentence."

¶6 For the reasons stated, although we grant review, we deny relief.