

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

HURSHEL GLENN HENDRIX,  
*Petitioner.*

No. 2 CA-CR 2014-0353-PR  
Filed November 19, 2014

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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NOT FOR PUBLICATION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.*

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Petition for Review from the Superior Court in Yuma County

No. S1400CR201000597

The Honorable Maria Elena Cruz, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Jon R. Smith, Yuma County Attorney  
By Charles Platt, Deputy County Attorney, Yuma  
*Counsel for Respondent*

Terri Capozzi, Yuma  
*Counsel for Petitioner*

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**MEMORANDUM DECISION**

Judge Espinosa authored the decision of the Court, in which Chief Judge Eckerstrom and Presiding Judge Miller concurred.

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ESPINOSA, Judge:

¶1 Petitioner Hurshel Hendrix 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). Hendrix has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Hendrix was convicted of attempted possession of dangerous drugs for sale. The trial court imposed a presumptive, 3.5-year prison sentence. Hendrix initiated a proceeding for post-conviction relief, arguing in his petition that “the State failed to properly disclose relevant evidence prior to [his] decision to enter a plea” and that his counsel had been ineffective in failing to request and obtain the disclosure.

¶3 In its order denying relief, the trial court correctly identified and resolved the claims Hendrix had raised; because the record and the applicable law support the ruling, we adopt it. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled “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”). We note, in addition, that although Hendrix claims on review that the undisclosed evidence would have affected his decision to plead guilty because it related to his safety in prison, he did not expressly make this argument in his petition below, but rather merely stated in his affidavit that “reports made it appear that I was cooperating with the police.” And, in any event,

in view of the much greater prison term he faced if convicted of the original charges against him and the now-greater volume of evidence against him, we cannot say the trial court abused its discretion in concluding the evidence probably would not have changed the outcome of the proceeding.

¶4 Although we grant the petition for review, relief is denied.