

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

PHILIP T. DEMAREST,  
*Petitioner.*

No. 2 CA-CR 2014-0387-PR  
Filed February 13, 2015

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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NOT FOR PUBLICATION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)(1); Ariz. R. Crim. P. 31.24.*

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Petition for Review from the Superior Court in Pima County

No. CR20001811

The Honorable Howard Fell, Judge Pro Tempore

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Mark Brnovich, Arizona Attorney General  
By Doug Clark, Assistant Attorney General, Tucson  
*Counsel for Respondent*

Philip T. Demarest, Tucson  
*In Propria Persona*

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**MEMORANDUM DECISION**

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

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M I L L E R, Presiding Judge:

¶1 Petitioner Philip Demarest 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). Demarest has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Demarest was convicted of two counts of attempted sexual exploitation of a minor under fifteen and was sentenced to lifetime probation. Demarest thereafter sought and was denied post-conviction relief, and this court denied relief on review. *State v. Demarest*, No. 2 CA-CR 2003-0326-PR (decision order issued August 31, 2004). Demarest filed a second notice of post-conviction relief in 2008, and that proceeding was apparently dismissed after Demarest failed to timely file a pro se supplemental brief. The trial court subsequently revoked Demarest's probation, sentencing him to a five-year term of imprisonment. Demarest sought and received some post-conviction relief in relation to that sentence.

¶3 In July 2012, Demarest filed another notice of post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record and concluded "there exists no basis in fact and/or law for post-conviction relief." In a pro se supplemental petition, however, Demarest raised various claims relating to the indictment against him, claimed his guilty plea was "not knowing, intelligent and voluntary because the court did not discuss the elements of the charged crime," and asserted he had received

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ineffective assistance of trial counsel. The trial court summarily denied relief.

¶4 We cannot say the court abused its discretion in denying Demarest's petition for post-conviction relief. The court clearly identified the claims Demarest 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").

¶5 Therefore, although we grant the petition for review, we deny relief.