

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

MAX MONTIJO LAMADRID,
Petitioner.

No. 2 CA-CR 2015-0161-PR
Filed October 5, 2015

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NOT FOR PUBLICATION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.

Petition for Review from the Superior Court in Pima County
No. CR20121967001
The Honorable D. Douglas Metcalf, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Respondent

The Law Offices of Stephanie K. Bond, P.C., Tucson
By Stephanie K. Bond
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.

ESPINOSA, Judge:

¶1 Petitioner Max Lamadrid 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). Lamadrid has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Lamadrid was convicted of discharging a firearm at a nonresidential structure. The trial court sentenced him to a presumptive term of 7.5 years' imprisonment. This court affirmed the conviction and sentence on appeal. *State v. Lamadrid*, No. 2 CA-CR 2013-0405 (memorandum decision filed July 23, 2014).

¶3 Lamadrid thereafter initiated a proceeding for post-conviction relief, arguing in his petition that trial counsel had been ineffective in "failing to object to the indictment" because it "violated the statute of limitations and/or constituted unreasonable delay," that the state had not established "the jurisdiction of the court" under A.R.S. § 13-108(A) because it did not show the crime took place in Arizona or Pima County, and that the trial court had not credited him with all of his time served. The court ordered an evidentiary hearing, at which the parties presented argument, but did not present additional evidence. After the hearing, the court denied relief.

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¶4 On review, Lamadrid challenges only the trial court's ruling on his jurisdictional claim. He contends that, contrary to the court's conclusion, it was insufficient for the state to show that the crime took place at Swan Road and Speedway Boulevard and that doing so did not establish the crime took place within Arizona. He maintains there was no evidence "that Speedway Boulevard was in Arizona, Pima County or Tucson."

¶5 We disagree. Maps admitted at trial, which included the intersection of Speedway Boulevard and Swan Road and the address of the convenience store discussed at trial, indicate that the address and that intersection are in "Tucson, AZ 85711." Thus, there was sufficient evidence to meet the requirements of § 13-108(A), and we cannot say the trial court abused its discretion in denying relief. *Cf. State v. Perez*, 141 Ariz. 459, 464, 687 P.2d 1214, 1219 (1984) (appellate court will affirm trial court's ruling if result was legally correct for any reason).

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