

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

CHRISTIAN JESUS ROMERO,  
*Petitioner.*

No. 2 CA-CR 2015-0211-PR  
Filed July 31, 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NOT FOR PUBLICATION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 Yuma County

No. S1400CR201100045

The Honorable John N. Nelson, 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*

Perez Law Offices, San Diego, CA  
By Mary Elizabeth Perez  
*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 Christian Romero was convicted pursuant to a plea agreement of attempted sale of a dangerous drug and sentenced to the presumptive prison term of 3.5 years. He filed a notice and petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., which the trial court dismissed, denying relief. In his petition for review pursuant to Rule 32.9(c), he challenges that ruling.

¶2 On the same day that Romero entered his plea in this cause, he entered guilty pleas in S1400CR2011-00243, also pursuant to a plea agreement, to conspiracy to import/transport a dangerous drug and use of wire communication or electronic communication in a drug-related transaction. With respect to the guilty plea in the instant cause, (S1400CR201100045), the plea agreement provided Romero would be sentenced to no less than the presumptive prison term of 3.5 years and the state would “take[] no position” as to whether the term should be consecutive to the terms imposed in the other case; something the trial court explained to Romero. At the time of sentencing in both causes, the court apparently made clear the 3.5-year term it intended to impose in this cause would be consecutive to the concurrent terms in the other case. But it set the matter for a hearing on aggravating and mitigating circumstances to permit Romero to present evidence in support of concurrent terms; after the hearing, the court imposed the consecutive term.

¶3 In his petition for post-conviction relief, Romero asserted trial counsel had been ineffective in failing to object at the hearing when the state presented evidence through an agent of the Federal Bureau of Investigation about Romero’s ties to a Mexican drug trafficking organization. Romero contended this violated the

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terms of his plea agreement. In its ruling on the petition, the trial court summarized Romero's claim and applied the test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). The court addressed Romero's argument in a manner that has permitted this court to understand the basis for its resolution of that claim. Romero has not persuaded this court that the trial court abused its discretion in concluding he had not raised a colorable claim for relief. For instance, the court made clear that even if trial counsel had objected to the evidence presented by the state, it would not have ordered the term in this cause to be served concurrently to the terms in the other cause, based on multiple reasons. We therefore adopt the court's ruling, finding "[n]o useful purpose would be served by . . . rehashing the . . . correct ruling" here. *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

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