

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

JACK O'NEAL BARRETT,  
*Petitioner.*

No. 2 CA-CR 2015-0327-PR  
Filed October 1, 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NOT FOR PUBLICATION  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. S1400CR8916130  
The Honorable John N. Nelson, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

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

Jack O'Neal Barrett, San Luis  
*In Propria Persona*

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**MEMORANDUM DECISION**

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

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ECKERSTROM, Chief Judge:

¶1 Petitioner Jack Barrett 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). Barrett has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Barrett was convicted of first-degree murder in 1990. The trial court imposed a life sentence without the possibility of parole until Barrett had served at least twenty-five years. Barrett's conviction and sentence were affirmed on appeal. *State v. Barrett*, No. 2 CA-CR 92-0193 (memorandum decision filed Aug. 11, 1992). Barrett sought and was denied post-conviction relief multiple times between 1991, 2000, 2003, 2004, 2008 and 2013.

¶3 In 2013, Barrett initiated yet another proceeding for post-conviction relief, this time claiming the United States Supreme Court's decision in *Martinez v. Ryan*, \_\_\_ U.S. \_\_\_, 132 S. Ct. 1309 (2012), constituted a significant change in the law entitling him to relief. Specifically he argued counsel had been ineffective in not challenging the trial court's failure to specify on the record the reasons for ordering that he serve the sentence in the instant cause consecutive to that in another cause. The trial court summarily denied relief 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

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resolution[, n]o useful purpose would be served by this court rehashing the trial court's correct ruling in a written decision").

¶4 We grant the petition for review, but deny relief.