

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

JOHN PIERRE BAKER,  
*Petitioner.*

No. 2 CA-CR 2016-0310-PR  
Filed December 5, 2016

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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NOT FOR PUBLICATION  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. CR057359002  
The Honorable Casey F. McGinley, Judge Pro Tempore

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

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

John P. Baker, Buckeye  
*In Propria Persona*

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MEMORANDUM DECISION

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

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M I L L E R, Judge:

¶1 Petitioner John Baker was convicted in 1999 of conspiracy to commit child abuse, ten counts of child abuse, and two counts of kidnapping a minor under the age of fifteen; the trial court sentenced him to a total of 86.5 years in prison.<sup>1</sup> This court affirmed the convictions and sentences on appeal. *State v. Baker*, No. 2 CA-CR 99-0222 (Ariz. App. Sept. 14, 2000) (mem. decision). In this petition for review, Baker challenges the trial court's order dismissing what the court believed was his seventh petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb a trial court's ruling in post-conviction proceedings unless the petitioner establishes the court clearly abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7, 353 P.3d 847, 848 (2015). Baker has not sustained his burden here.

¶2 The trial court clearly identified, thoroughly addressed, and correctly resolved the merits of Baker's claim and ruled in a manner sufficient to permit this or any other court to conduct a meaningful review. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). No purpose would be served by restating the court's correct analysis here. *See id.* Rather, we adopt that ruling.<sup>2</sup>

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<sup>1</sup>Baker was resentenced in May 2005 after the state and Baker reached an agreement in connection with one of Baker's post-conviction proceedings.

<sup>2</sup>We note with respect to Baker's claim that *Alleyne v. United States*, \_\_\_ U.S. \_\_\_, 133 S. Ct. 2151 (2013), constitutes a significant change in the law for purposes of Rule 32.1(g), it appears there was

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¶3 The petition for review is granted but relief is denied.

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no allegation that increased the statutory minimum prison term. Moreover, although this court has found *Alleyne* constitutes a new rule of constitutional law, it only applies to cases that are not yet final, that is, cases that remain pending on direct review. *State v. Large*, 234 Ariz. 274, ¶ 16, 321 P.3d 439, 444-45 (App. 2014). The trial court correctly denied relief on this ground.