

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK  
JAN 31 2007  
COURT OF APPEALS  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Respondent,	)	2 CA-CR 2006-0246-PR
	)	DEPARTMENT A
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
THOMAS MICHAEL JAMES,	)	Rule 111, Rules of
	)	the Supreme Court
Petitioner.	)	
	)	

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PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20003697

Honorable Virginia C. Kelly, Judge

REVIEW GRANTED; RELIEF DENIED

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Thomas Michael James

Douglas  
In Propria Persona

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V Á S Q U E Z, Judge.

¶1 After a jury found petitioner Thomas Michael James guilty of second-degree murder, the trial court sentenced him in March 2002 to an aggravated, nineteen-year prison term. This court affirmed the conviction and sentence on appeal in *State v. James*, No. 2 CA-CR 2002-0135 (memorandum decision filed Sept. 18, 2003). We also dismissed an earlier “petition for order of judgment pursuant to Rule 26.16(b),” Ariz. R. Crim. P., 17 A.R.S., which we treated as a petition for review pursuant to Rule 32.9(c), Ariz. R. Crim.

P., 17 A.R.S., then dismissed on James's motion. *State v. James*, No. 2 CA-CR 2004-0112-PR (order filed Jan. 31, 2005).

¶2 The present, pro se petition for review and advisory counsel's supplemental petition arise from the trial court's denial, after an evidentiary hearing, of a petition for post-conviction relief James filed pro se in September 2004.<sup>1</sup> We review a trial court's grant or denial of post-conviction relief for an abuse of the court's discretion, *State v. Morgan*, 204 Ariz. 166, ¶ 25, 61 P.3d 460, 467 (App. 2002), and we find no abuse here.

¶3 According to our memorandum decision in James's appeal, in October 2000, sheriff's deputies were summoned to James's residence, where a man had been fatally stabbed. After first telling a detective that a person named "Tattoo Bob" had broken into the residence and stabbed the victim, James later admitted having stabbed the victim himself but claimed he had done so in self-defense. In one of the two issues James raised on appeal, he argued that his statements should have been suppressed; in the other, James argued the trial court should not have granted his request to proceed without counsel without first having conducted a hearing to determine whether James was competent to represent himself.

¶4 In his petition for post-conviction relief, James raised assorted claims of ineffective assistance of trial and appellate counsel. He also claimed he had been denied due process when officers allegedly "seized," "illegally detained," and "interrogated" his four-year-old daughter as a tactic to coerce his confession, and he faulted counsel for failing "to

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<sup>1</sup>After receiving James's notice of post-conviction relief, the trial court appointed counsel to represent him. Before a petition for post-conviction relief was filed, the court granted James's motion to proceed pro se with the assistance of advisory counsel.

investigate or brief this issue.” He also asserted that a further due process violation occurred when, he claimed, the state had altered the written transcript of his recorded statements to detectives and had presented “misrepresented facts and perjured testimony” at trial. Again, James also faulted both trial and appellate counsel for not addressing that issue below, preserving it for review, and arguing it effectively on appeal.

¶5 Months later, James submitted a supplement to his petition, in which he reargued and expanded upon the issues raised in the petition and added an argument that the trial court had improperly allowed the jury to hear a tape-recorded interview that contained unreliable, “multi-level” hearsay statements by one of the detectives. James further alleged both trial and appellate counsel had been ineffective in their handling of that issue. The following month, James filed a motion to withdraw two of the issues he had originally raised, then subsequently reversed himself and sequentially withdrew his request as to both issues. Finding James had stated a colorable claim for relief, the trial court scheduled an evidentiary hearing “limited to the issue of ineffective assistance of counsel with respect to petitioner’s allegation that he was denied the right to testify by counsel’s decision not to offer a self-defense claim.” The trial court deemed the record “sufficient to resolve Petitioner’s other claims without an evidentiary hearing.”

¶6 After the evidentiary hearing in January 2006 at which both James and trial counsel testified, the trial court dismissed the petition for post-conviction relief and later denied a subsequent motion for rehearing. The court explained its ruling in depth in an extensive, fourteen-page minute entry in which it addressed each of the issues James raised,

reviewed the evidence pertinent to those issues, and explained its resolution of each issue. The issues now raised in the petition for review and in counsel’s supplement to the petition were all addressed by the trial court’s minute entry.

¶7 We are satisfied that the trial court clearly identified, thoroughly analyzed, and correctly resolved all the issues presented. *See generally 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[’s] rehashing the trial court’s correct ruling in a written decision”).<sup>2</sup>

¶8 Finding no abuse of the trial court’s discretion, we grant the petition for review but deny relief.

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GARYE L. VÁSQUEZ, Judge

CONCURRING:

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JOHN PELANDER, Chief Judge

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JOSEPH W. HOWARD, Presiding Judge

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<sup>2</sup>We deny James’s request that we consider his affidavit filed with this court.