

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

RICK KOSTEROW, *Petitioner*.

No. 1 CA-CR 14-0708 PRPC
FILED 1-17-2017

Appeal from the Superior Court in Yuma County
No. S1400CR200600688
The Honorable Lisa W. Bleich, Commissioner

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Yuma County Attorney's Office, Yuma
By Charles V. S. Platt
Counsel for Respondent

Law Office of Terri L. Capozzi, Yuma
By Terri L. Capozzi
Counsel for Petitioner

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MEMORANDUM DECISION

Judge Donn Kessler delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Judge Randall M. Howe joined.

K E S S L E R, Judge:

¶1 Petitioner Rick Kosterow seeks review of the superior court's order dismissing his petition for post-conviction relief pursuant to Arizona Rule of Criminal Procedure 32.1. We review the superior court's denial of post-conviction relief for abuse of discretion. *State v. Bennett*, 213 Ariz. 562, 566, ¶ 17 (2006) (citation omitted). Finding no such abuse of discretion, we grant review but deny relief.

¶2 A jury found Kosterow guilty of first degree premeditated murder, conspiracy to commit first degree murder, and first degree felony murder. The superior court imposed three concurrent life sentences. This court affirmed the convictions and sentences on appeal. *State v. Kosterow*, 1 CA-CR 08-0150, 2009 WL 1710279, at *8, ¶ 32 (Ariz. App. June 18, 2009) (mem. decision).

¶3 Kosterow filed an untimely petition for post-conviction relief raising claims of police malfeasance, prosecutorial misconduct, and ineffective assistance of trial and appellate counsel. The superior court granted relief on the claim of ineffective assistance of counsel involving the failure to challenge the validity of two murder convictions and sentences for the death of one person and vacated the conviction and sentence for first degree felony murder. The superior court further ruled that all the remaining claims were procedurally precluded and ordered the petition dismissed.

¶4 We review a ruling on a petition for post-conviction relief for abuse of discretion. *Bennett*, 213 Ariz. at 566, ¶ 17 (citation omitted). In granting relief on one claim and summarily dismissing the balance of the petition, the superior court issued a ruling that clearly identified, fully addressed, and correctly resolved the claims raised. Under these circumstances, we need not repeat that court's analysis here; instead, we adopt it. *State v. Whipple*, 177 Ariz. 272, 274 (App. 1993) (holding when superior court rules "in a fashion that will allow any court in the future to

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

¶5 Accordingly, although we grant review, we deny relief.



AMY M. WOOD • Clerk of the Court
FILED: AA