

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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.

RONALD LEE BROWN, *Petitioner*.

No. 1 CA-CR 15-0104 PRPC
FILED 1-31-2017

Petition for Review from the Superior Court in Mohave County

No. CR2013-00291

CR2013-00721

The Honorable Rick A. Williams, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Arizona Attorney General's Office, Phoenix

By Joseph T. Maziarz

Counsel for Respondent

Ronald Lee Brown, Kingman

Petitioner

STATE v. BROWN
Decision of the Court

MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Samuel A. Thumma and Judge Lawrence F. Winthrop joined.

T H O M P S O N, Judge:

¶1 Petitioner Ronald Lee Brown petitions this court for review from the summary dismissal of his petition for post-conviction relief of-right. Brown pled guilty to burglary in the third degree and theft in two consolidated cases. The superior court sentenced him to consecutive sentences of 2.75 years' imprisonment for burglary and two years' imprisonment for theft. The court credited Brown for 239 days of presentence incarceration and applied all of it to the sentence for burglary. Brown argues that the court must also credit him for 223 days of presentence incarceration for the count of theft because he was in custody for 223 days for the theft at the same time he was in custody for the burglary.

¶2 We deny relief. "When consecutive sentences are imposed, a defendant is not entitled to presentence incarceration credit on more than one of those sentences, even if the defendant was in custody pursuant to all of the underlying charges prior to trial." *State v. McClure*, 189 Ariz. 55, 57, 938 P.2d 104, 106 (App. 1997). The purpose for not awarding credit on a consecutive sentence is to prevent an impermissible "double credit windfall." *State v. Cuen*, 158 Ariz. 86, 87, 761 P.2d 160, 161 (App. 1988); *McClure*, 189 Ariz. at 57, 938 P.2d at 106. To award Brown the credit he seeks would be to award him a "double credit windfall."

¶3 We grant review but deny relief.



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