

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

CHRISTOPHER STUART MULLER, *Petitioner*.

No. 1 CA-CR 15-0377 PRPC
FILED 6-20-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2011-007633-001
The Honorable Dawn M. Bergin, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Catherine Leisch
Counsel for Respondent

Curry, Pearson & Wooten, P.L.C., Phoenix
By Kristen M. Curry
Counsel for Petitioner

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MEMORANDUM DECISION

Judge Patricia K. Norris delivered the decision of the Court, in which Chief Judge Michael J. Brown and Judge Peter B. Swann joined.

NORRIS, Judge:

¶1 Christopher Stuart Muller petitions for review from the summary dismissal of his petition for post-conviction relief. We grant review, but deny relief.

¶2 In 2011, the grand jury indicted Muller on one count of conspiracy to commit first degree murder. In 2012, a jury convicted Muller as charged, and the superior court sentenced Muller to life with the possibility of “parole” after 25 calendar years. This court affirmed Muller’s conviction and sentence on direct appeal,¹ and Muller timely filed a petition for post-conviction relief.

¶3 In his petition for post-conviction relief, Muller argued trial counsel was ineffective by failing to: properly cross examine a key State witness, call witnesses to refute the State’s motive theory, dispute the State’s transcription of a conversation between Muller and a key State witness, provide evidence of a lack of mens rea, prepare Muller to testify at trial, and argue renunciation as a defense. Muller also argued trial counsel was ineffective by “opening the door” for the State to admit otherwise inadmissible prior act evidence.

¶4 The superior court dismissed Muller’s petition for post-conviction relief, explaining Muller’s allegations did not warrant granting Rule 32 relief because the allegations either raised tactical decisions, or failed to establish that, but for trial counsel’s alleged deficient performance, there was a reasonable probability he would not have been convicted at trial.

¶5 In summarily dismissing the petition, the superior court issued a ruling that clearly identified, fully addressed, and correctly resolved the claims raised by Muller. Further, the superior court did so in a

¹*State v. Muller*, 1 CA-CR 12-0527, 2013 WL 5303728, at *1, ¶ 1 (Ariz. App. Sep. 19, 2013) (mem. decision).

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thorough, well-reasoned manner that will allow any future court to understand its rulings. Under these circumstances, “[n]o useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision.” *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). We therefore adopt the superior court’s ruling.

¶6 For the foregoing reasons, although we grant review, we deny relief.



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