

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JOVON PIERRE PETERSON, *Petitioner*.

No. 1 CA-CR 15-0443 PRPC
FILED 2-23-2017

Petition for Review from the Superior Court in Maricopa County

No. CR2012-010271-001

CR2012-130234-003

The Honorable Margaret R. Mahoney, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix

By Karen Kemper

Counsel for Respondent

Jovon Pierre Peterson, Kingman

Petitioner

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MEMORANDUM DECISION

Presiding Judge Samuel A. Thumma delivered the decision of the Court, in which Chief Judge Michael J. Brown and Judge Patricia A. Orozco¹ joined.

T H U M M A, Judge:

¶1 Petitioner Jovon Pierre Peterson seeks review of the superior court's order denying his petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1 (2017).² Absent an abuse of discretion or error of law, this court will not disturb a superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 577 ¶ 19 (2012). Finding no such error, this court grants review but denies relief.

¶2 Peterson pled guilty to two counts of sale or transportation of marijuana with one prior felony conviction, a class 2 felony, in Maricopa County cause number CR2012-010271-001 and to one count of conspiracy to possess marijuana for sale in excess of four pounds, a class 2 felony in Maricopa County cause number CR2012-130234-003. The superior court sentenced him in accordance with the plea agreements to concurrent mitigated 4.5-year prison terms in CR2012-010271-001 and placed him on probation for four years in CR2012-130234-003 to commence upon his release from prison.

¶3 Peterson filed a timely consolidated notice and petition for post-conviction relief in the two cases, raising the following claims: (1) prosecutorial delay in filing charges; (2) offenses should be treated as part of a single criminal episode; (3) illegal sentence; and (4) ineffective assistance of counsel. Ruling that Peterson failed to present a colorable claim for relief, the superior court summarily dismissed the petition.

¹ The Honorable Patricia A. Orozco, Retired Judge of the Court of Appeals, Division One, has been authorized to sit in this matter pursuant to Article VI, Section 3 of the Arizona Constitution.

² Absent material revisions after the relevant dates, statutes and rules cited refer to the current version unless otherwise indicated.

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¶4 In summarily dismissing the petition, the superior court issued a ruling that clearly identified, fully addressed and correctly resolved the claims he raises. Under these circumstances, this court need not repeat that court’s analysis here; instead, it is adopted. *See 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 understand the resolution [, n]o useful purpose would be served by this court rehashing the [superior] court’s correct ruling in [the] written decision”).

¶5 For these reasons, this court grants review but denies relief.



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