

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

DANIEL M. DOSS, *Petitioner*.

No. 1 CA-CR 16-0237 PRPC
FILED 7-13-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2012-009380-001
The Honorable Lisa Ann VandenBerg, Judge *Pro Tempore*

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Diane Meloche
Counsel for Respondent

The Nolan Law Firm PLLC, Mesa
By Cari McConeghy Nolan
Counsel for Petitioner

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MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Kent E. Cattani and Judge Paul J. McMurdie joined.

T H O M P S O N, Judge:

¶1 Daniel M. Doss petitions for review of the summary dismissal of his second proceeding for post-conviction relief. We have considered the petition for review and, for the reasons stated, grant review, but deny relief.

¶2 Doss pled guilty to one count of drive by shooting, a class 2 dangerous felony. The trial court sentenced him on August 19, 2013, to a minimum seven-year prison term in accordance with the terms of the plea agreement.

¶3 Doss filed a timely notice of post-conviction relief. After appointed counsel notified the trial court that counsel found no colorable claims to raise, Doss filed a pro se petition for post-conviction relief, alleging claims of ineffective assistance of counsel, coercion of plea, and unlawful sentence. Ruling that Doss was not entitled to relief on any of his claims, the trial court summarily dismissed the petition in October 2014.

¶4 In September 2015, Doss filed a second notice of post-conviction relief, indicating intent to raise claims under Rules 32.1(f), (g), and (h) of the Rules of Criminal Procedure. Ruling that Doss failed to set forth facts that would state a claim for which relief could be granted in an untimely and successive proceeding for post-conviction relief, the trial court summarily dismissed the notice. This petition for review followed.

¶5 On review, Doss argues the trial court erred in summarily dismissing the proceeding without conducting an evidentiary hearing on his claims. We review a trial court's summary denial of post-conviction relief for abuse of discretion. *State v. Bennett*, 213 Ariz. 562, 566, ¶ 17, 146 P.3d 63, 67 (2006) (citation omitted).

¶6 There was no error by the trial court in summarily denying relief. In dismissing the notice, the trial court issued a ruling that clearly identified, fully addressed, and correctly resolved the claims sought to be raised by Doss. Further, the court did so in a thorough, well-reasoned manner that will allow any future court to understand the court's rulings.

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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 trial court’s ruling.

¶7 Accordingly, we grant review, but deny relief.



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