

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

GEARY WAYNE WALTON, *Petitioner*.

No. 1 CA-CR 16-0360 PRPC
FILED 7-6-2017

Petition for Review from the Superior Court in Maricopa County

No. CR0000-096136

CR0000-097176

CR1987-009953

CR1987-010264

The Honorable Daniel J. Kiley, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix

By Diane Meloche

Counsel for Respondent

Geary Wayne Walton, Florence

Petitioner

MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Kent E. Cattani and Judge Samuel A. Thumma joined.

T H O M P S O N, Judge:

¶1 Petitioner Geary Wayne Walton petitions this court for review from the dismissal of his sixteenth petition for post-conviction relief proceeding.¹ We have considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 The factual and procedural history, including citations to Walton’s previous petitions for review, are set forth in *State v. Walton*, 1 CA-CR 14-0354 PRPC (Ariz. App. June 30, 2016) (mem. decision), and need not be repeated here.

¶3 Walton commenced this post-conviction relief proceeding on November 6, 2015. Walton filed a petition for post-conviction relief, a motion to modify term of being held in custody after expiration of sentence, and a motion for release. The superior court treated these pleadings as a single petition for post-conviction relief. Walton presented a claim of actual innocence. He also claimed that significant changes in the law entitled him to relief. He further argued that this court’s decision in *State v. Walton*, 1 CA-CR 13-0236 PRPC (Ariz. App. Sep. 25, 2014)(mem. decision) had been erroneously decided. Finally, he contended that he was being held in custody after the expiration of his sentences. The superior court ruled that the claims were either precluded or not colorable and summarily dismissed. Walton filed a motion for rehearing, which was denied.

¶4 Walton timely petitions this court for review. Absent an abuse of discretion or error of law, this court will not disturb the trial court’s

¹ Most of Walton’s claims have been litigated multiple times and are precluded. Preclusion is designed to “require a defendant to raise all known claims for relief in a single petition,” *State v. Petty*, 225 Ariz. 369, 373 ¶ 11, 238 P.3d 637, 641 (App. 2010) (citation and internal quotation marks omitted), and thereby “prevent endless or nearly endless reviews of the same case in the same trial court.” *Stewart v. Smith*, 202 Ariz. 446, 450 ¶ 11, 46 P.3d 1067, 1071.

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ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 577, ¶ 19, 278 P.3d 1276, 1280 (2012). Walton has failed to show an abuse of discretion. The superior court dismissed the petition for post-conviction relief in an order that clearly identified and correctly ruled upon the issues raised. Further, the court did so in a thorough, well-reasoned manner that will allow any future court to understand the court's rulings. Under these circumstances, "No 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). Therefore, we adopt the trial court's ruling.

¶5 We grant review and deny relief.



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