

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



DIVISION ONE  
FILED: 04-20-2010  
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BY: GH

IN THE  
COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 09-0970 PRPC  
)  
Respondent, ) DEPARTMENT C  
)  
v. ) Maricopa County  
) Superior Court  
DANNY RAY WILLIAMS, ) No. CR 1995-012036  
)  
Petitioner. ) **D E C I S I O N**  
) **O R D E R**  
)

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Danny Ray Williams petitions this court to review the trial court's denial of post-conviction relief. Presiding Judge Patrick Irvine, and Judges Michael J. Brown and Donn Kessler, have considered this petition for review and for the reasons stated, grant review and grant relief.

In 1996, Williams plead guilty to second degree murder. The parties stipulated that Williams' sentence would be no greater than the presumptive term, and that no term of community supervision would be imposed. Williams' understanding of the latter provision was confirmed at the change of plea hearing.

The trial court accepted the plea and sentenced Williams according to its terms. However, due to an apparent

clerical error, the sentencing minute entry included a paragraph which ordered a term of community supervision.

Williams timely filed his Rule 32 of-right post-conviction relief proceeding, but did not raise any issue about the community supervision term. Later, as Williams neared completion of his sentence, he unsuccessfully attempted to correct the sentencing minute entry. In his last attempt, the trial court denied Williams relief based on the fact that his earlier requests had been denied.

Williams then timely petitioned this court for review. The State concedes error and requests expedited review of this matter. "The State acknowledges that this case now presents itself to the Court in an unusual procedural posture. However, in the interests of justice, the State urges this court to accept review and grant the relief requested." Based on our review of the record and for the reasons stated in the State's response, we grant the State's motion to expedite, and we grant relief. We amend the sentencing minute entry issued January 10, 1997, by deleting the paragraph which ordered Williams to serve one day for every seven days of the sentence imposed under the supervision of the Community Supervision Program. This amended

minute entry conforms to the parties' understanding and to the written terms of the plea agreement.

/s/

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PATRICK IRVINE  
PRESIDING JUDGE