

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

FILED BY CLERK

AUG 14 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0242-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
TRAVIS DONOVAN HILAND,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF YAVAPAI COUNTY

Cause No. CRP130020070899

Honorable Celé Hancock, Judge

REVIEW GRANTED; RELIEF DENIED

Sheila Sullivan Polk, Yavapai County Attorney
By Sheila Sullivan Polk

Prescott
Attorneys for Respondent

Craig Williams, Attorney at Law, PLLC
By Craig Williams

Prescott Valley
Attorney for Petitioner

E C K E R S T R O M, Presiding Judge.

¶1 Pursuant to a 2008 plea agreement, petitioner Travis Hiland was convicted of theft and fraudulent schemes. The trial court sentenced Hiland to an aggravated, nine-year term of imprisonment, to be followed by a seven-year probationary term upon his

release from prison. Hiland filed a petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P. He now seeks review of the court's dismissal of that petition, and asks that we vacate his plea and sentence and grant a new trial. "We will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We find no abuse here.

¶2 In his petition for review, Hiland argues the trial court abused its discretion by denying post-conviction relief for the following reasons: although he was the least culpable defendant in this matter, he nonetheless received a sentence only one year shorter than the sentences imposed on two of the three other defendants; his sentence was unreasonably disproportionate when compared to the probationary term his father received; and the trial judge, who was not the same as the Rule 32 judge, was impermissibly biased in favor of the state, as evidenced, in part, by the presence of an ex parte letter sent to the judge by a detective who had testified in this case.

¶3 Based on the record before us, we cannot say the trial court abused its discretion in dismissing Hiland's petition for post-conviction relief. The court denied relief as to three of the four defendants, including Hiland, in a twelve-page, detailed and thorough minute entry order that clearly identified, inter alia, each of Hiland's arguments followed by a supplemental order that addressed additional claims specific only to Hiland, and correctly ruled on them in a manner permitting this court to review and determine the propriety of those orders. *See State v. Whipple*, 177 Ariz. 272, 274, 866

P.2d 1358, 1360 (App. 1993). No purpose would be served by reiterating the court's rulings in their entirety. *See id.* Rather, we adopt the court's rulings.

¶4 Accordingly, we grant the petition for review but deny relief.

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge