

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

CHRISTINA MARIE GEORGE,
Petitioner.

No. 2 CA-CR 2016-0005-PR
Filed May 9, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Pima County
No. CR20012085
The Honorable Javier Chon-Lopez, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Respondent

Law Office of Stephanie J. Meade, Tucson
By Stephanie J. Meade
Counsel for Petitioner

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MEMORANDUM DECISION

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Staring concurred.

H O W A R D, Presiding Judge:

¶1 Petitioner Christina George seeks review of the trial court's order denying her petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. "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). George has not sustained her burden of establishing such abuse here.

¶2 After a jury trial, George was convicted of aggravated assault with a deadly weapon and aggravated assault causing serious physical injury. The trial court sentenced her to concurrent, aggravated prison terms of fifteen and seven years. On appeal, this court affirmed her conviction and fifteen-year sentence for aggravated assault with a deadly weapon, but modified her conviction on the other assault conviction, concluding she could only be convicted of the lesser included offense, and remanded for resentencing. *State v. George*, 206 Ariz. 436, ¶ 32, 79 P.3d 1050, 1060 (App. 2003). The trial court imposed a 2.5-year prison sentence on that count in January 2005.

¶3 George subsequently initiated and withdrew a proceeding for post-conviction relief. She was denied relief in a second post-conviction proceeding. In October 2012, George initiated a third proceeding, raising a claim under Rule 32.1(h) in her petition that she was actually innocent. She also contended that newly discovered evidence entitled her to relief. The trial court summarily denied relief in a six-page, detailed minute entry ruling.

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¶4 We cannot say the trial court abused its discretion in denying George's petition for post-conviction relief. Although we question its citation of outdated Confrontation Clause authority in this case, it resolved the issues based on appropriate law, clearly identified the claims George had raised, and resolved them correctly in a thorough, well-reasoned minute entry, which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised "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 trial court's correct ruling in a written decision").

¶5 Therefore, although we grant the petition for review, we deny relief.