

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

SHANE A. MOTARI,
Petitioner.

No. 2 CA-CR 2017-0130-PR
Filed April 28, 2017

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NOT FOR PUBLICATION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 Maricopa County
No. CR2010005514001DT
The Honorable Cari A. Harrison, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

William G. Montgomery, Maricopa County Attorney
By Susan L. Luder, Deputy County Attorney, Phoenix
Counsel for Respondent

Shane Allan Motari, Buckeye
In Propria Persona

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MEMORANDUM DECISION

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

M I L L E R, Judge:

¶1 Petitioner Shane Motari seeks review of the trial court’s order denying his 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). Motari has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Motari was convicted on two counts of aggravated assault. The trial court sentenced him to enhanced, concurrent, “[s]lightly [a]ggravated” prison terms, the longer of which was thirteen years. The convictions and sentences were affirmed on appeal. *State v. Motari*, No. 1 CA-CR 12-0161 (Ariz. App. June 25, 2013) (mem. decision).

¶3 Motari thereafter initiated a proceeding for post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record and found no claim to raise in Rule 32 proceedings. In a pro se supplemental petition, however, Motari argued he had received ineffective assistance of counsel based on counsel’s failure to adequately explain an offered plea agreement and the trial court had erred in instructing the jury. The court summarily denied relief.

¶4 On review, Motari repeats his claims and contends the trial court “incorrectly decided important issues of law.” We cannot say, however, that the court abused its discretion in denying Motari’s petition for post-conviction relief. The court clearly identified the claims he raised and resolved them correctly in a thorough, detailed,

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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.