

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

MELVIN LEE HARRISON, *Petitioner*.

No. 1 CA-CR 14-0563 PRPC
FILED 8-2-2016

Petition for Review from the Superior Court in Maricopa County
No. CR2012-164101-001
The Honorable Bruce R. Cohen, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Diane Meloche
Counsel for Respondent

Melvin Lee Harrison, San Luis
Petitioner Pro Per

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MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Samuel A. Thumma and Judge Margaret H. Downie joined.

T H O M P S O N, Judge:

¶1 Petitioner Melvin Lee Harrison petitions this court for review from the dismissal of his petition for post-conviction relief. We have considered the petition for review and, for the reasons stated, grant review but deny relief.

¶2 Harrison pled guilty to aggravated assault and the trial court sentenced him to a stipulated term of six years' imprisonment. Harrison now seeks review of the summary dismissal of his second notice of post-conviction relief. We have jurisdiction pursuant to Arizona Rule of Criminal Procedure 32.9(c) and Arizona Revised Statute § 13-4239(C) (2010).

¶3 Harrison argues his trial counsel was ineffective when he failed to argue that the State and/or the trial court engaged in pre and post-indictment delay of the proceedings and, therefore, failed to comply with the "speedy trial" provisions of Arizona Rule of Criminal Procedure 8. Harrison further argues his first post-conviction relief counsel was ineffective when he failed to allege trial counsel was ineffective for these same reasons and when his first post-conviction counsel failed to raise the Rule 8 claims independently.

¶4 We deny review. Harrison failed to present any colorable claims for relief because neither counsel was ineffective when they failed to raise these issues. Harrison pled guilty. A valid plea agreement waives all non-jurisdictional defenses, errors and defects which occurred prior to the plea. *State v. Moreno*, 134 Ariz. 199, 200, 655 P.2d 23, 24 (App. 1982). More specifically, a defendant who enters a guilty plea waives all issues

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regarding the right to a speedy trial. *State v. Ellis*, 117 Ariz. 329, 331, 572 P.2d 791, 793 (1977).¹

¶5 For the foregoing reasons, we grant review but deny relief.



Ruth A. Willingham · Clerk of the Court
FILED : AA

¹ While this is not one of the grounds upon which the superior court dismissed the petition, we may affirm a result on any basis supported by the record. *State v. Robinson*, 153 Ariz. 191, 199, 735 P.2d 801, 809 (1987).