

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

MARCO ALLARD, *Petitioner*.

No. 1 CA-CR 15-0376 PRPC
FILED 2-16-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2012-126160-001 DT
The Honorable Virginia L. Richter, Judge *Pro Tempore*

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Robert E. Prather
Counsel for Respondent

Maricopa County Public Defender's Office, Phoenix
By Kevin D. Heade
Counsel for Petitioner

MEMORANDUM DECISION

Judge Lawrence F. Winthrop delivered the decision of the Court, in which
Presiding Judge Randall M. Howe and Judge Jon W. Thompson joined.

STATE v. ALLARD
Decision of the Court

WINTHROP, Judge:

¶1 Marco Allard petitions for review of the summary 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 Allard pled guilty to two counts of attempted molestation of a child, a class 3 felony and dangerous crime against children, and one count of sexual conduct with a minor, a class 2 felony and dangerous crime against children. The trial court sentenced him in accordance with the plea agreement to an aggravated twenty-seven-year prison term on the conviction for sexual conduct with a minor and placed him on lifetime probation on the two convictions for attempted child molestation. Allard filed a timely notice of post-conviction relief. After his counsel notified the court that she was unable to find any colorable claims for relief, Allard filed a *pro per* petition for post-conviction relief challenging his sentence, arguing that aggravating circumstances were not properly proven and that he was not given an opportunity to comment on the presentence report and related documents, and thus was denied the opportunity to present mitigating evidence. Ruling that no material issues of fact or law exist that would entitle Allard to relief, the trial court dismissed the petition.

¶3 In summarily dismissing the petition, the trial court issued a ruling that clearly identified, fully addressed, and correctly resolved the claims raised by Allard. Under these circumstances, we need not repeat that court's analysis here; instead, we adopt it. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (holding that when a trial court rules "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 [the] written decision").

¶4 Accordingly, although we grant review, we deny relief.



AMY M. WOOD • Clerk of the Court
FILED: AA