

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

CHRISTOPHER RAY CLARK, *Petitioner*.

No. 1 CA-CR 16-0001 PRPC
FILED 5-18-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2013-003878-001
The Honorable Danielle J. Viola, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Christopher Ray Clark, San Luis
Petitioner

MEMORANDUM DECISION

Presiding Judge Diane M. Johnsen delivered the decision of the court, in
which Judge Patricia K. Norris and Chief Judge Michael J. Brown joined.

STATE v. CLARK
Decision of the Court

JOHNSON, Judge:

¶1 Christopher Ray Clark 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 Clark pled guilty to sale or transportation of dangerous drugs (methamphetamine), and the superior court sentenced him in accordance with the terms of the plea agreement to a presumptive ten-year prison term. Clark filed a timely notice of post-conviction relief. After appointed counsel notified the superior court that counsel found no basis for post-conviction relief, Clark filed a pro se petition for post-conviction relief, alleging ineffective assistance of counsel and prosecutorial vindictiveness. Ruling that Clark failed to present a colorable claim for relief, the superior court summarily dismissed the petition. This petition for review followed.

¶3 In summarily dismissing the petition, the superior court issued a ruling that clearly identified, fully addressed, and correctly resolved the claims Clark raised. Further, the court did so in a thorough, well-reasoned manner that will allow any future court to understand its ruling. Under these circumstances, "[n]o useful purpose would be served by this court rehashing the trial court's correct ruling in a written decision." *State v. Whipple*, 177 Ariz. 272, 274 (App. 1993). In his petition for review, Clark argues his trial counsel was ineffective by failing to properly advise him during plea negotiations, and, when those negotiations resumed on the day trial was to begin, by failing to argue that the offer the State made that day constituted vindictive prosecution. We have examined the record and agree with the superior court that neither of Clark's arguments presents a colorable claim for relief. We therefore adopt the superior court's ruling.

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



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