

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

FRANK SILVA ROQUE, *Petitioner*.

No. 1 CA-CR 16-0104 PRPC
FILED 8-3-2017

Petition for Review from the Superior Court in Maricopa County
No. CR 2001-095385
The Honorable Christopher A. Coury, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Frank Silva Roque, Buckeye
Petitioner

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MEMORANDUM DECISION

Judge Kenton D. Jones delivered the decision of the Court, in which Presiding Judge Margaret H. Downie and Judge Donn Kessler¹ joined.

J O N E S, Judge:

¶1 Frank Roque petitions this Court for review from the dismissal of his untimely and successive petition for post-conviction relief. We have considered the petition for review and, for the reasons stated, grant review and deny relief.

¶2 The factual and procedural history has been set forth by this Court on more than one occasion and need not be repeated here. *See State v. Roque*, 2 CA-CR 2016-0224-PR, 2016 WL 4098665, at *1, ¶ 2 (Ariz. App. July 29, 2016) (mem. decision); *State v. Roque*, 1 CA-CR 13-0705 PRPC, 2015 WL 917820, at *1, ¶ 2 (Ariz. App. Mar. 3, 2015) (mem. decision).

¶3 Roque commenced the present post-conviction relief proceeding in October 2015. He alleged ineffective assistance of counsel, a significant change in the law, and newly discovered evidence. He also asserted violations of *Miranda v. Arizona*, 384 U.S. 436, 478-79 (1966), and the marital privilege rule. Finally, he argued the trial court erroneously admitted evidence of an invalid prior conviction. The court summarily dismissed his notice of post-conviction relief, and this petition for review followed. We review a summary denial of petition for post-conviction relief for an abuse of discretion. *State v. Bennett*, 213 Ariz. 562, 566, ¶ 17 (2006) (citation omitted).

¶4 We find no abuse of discretion here. The trial court dismissed Roque's post-conviction relief proceeding in an order that clearly identified and correctly ruled upon the issues raised. Furthermore, the court did so in a thorough, well-reasoned manner that will allow any future court to understand the court's rulings. Under these circumstances, "[n]o useful purpose would be served by this [C]ourt rehashing the trial court's correct

¹ The Honorable Donn Kessler, Retired Judge of the Court of Appeals, Division One, has been authorized to sit in this matter pursuant to Article 6, Section 20, of the Arizona Constitution.

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ruling in a written decision.” *State v. Whipple*, 177 Ariz. 272, 274 (App. 1993).
Therefore, we adopt the trial court’s ruling.

¶5 We grant review and deny relief.



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