

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JERMAINE PLEDGER, *Petitioner*.

No. 1 CA-CR 16-0584 PRPC
FILED 8-24-2017

Petition for Review from the Superior Court in Maricopa County
Nos. CR2011-108463-001
CR2011-005417-001
The Honorable Warren J. Granville, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Jermaine Pledger, Eloy
Petitioner

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MEMORANDUM DECISION

Presiding Judge Margaret H. Downie delivered the decision of the Court, in which Judge Kenton D. Jones and Chief Judge Samuel A. Thumma joined.

D O W N I E, Judge:

¶1 Jermaine Pledger petitions this Court for review of the dismissal of his third petition for post-conviction relief (“PCR”). We have considered the petition for review and, for the reasons stated, grant review but deny relief.

¶2 A jury found Pledger guilty of conspiracy to commit possession of marijuana for sale, possession of marijuana for sale, armed robbery, kidnapping, misconduct involving weapons, misconduct involving body armor, and two counts of aggravated assault. The superior court sentenced Pledger to concurrent terms of imprisonment, the longest of which is 15 years. This Court affirmed Pledger’s convictions and sentences in an opinion and memorandum decision. *State v. Pledger*, 236 Ariz. 469 (App. 2015); *State v. Pledger*, 1 CA-CR 12-0604, 2015 WL 132855 (Ariz. App. Jan. 8, 2015) (mem. decision).

¶3 In August 2016, Pledger initiated his third PCR proceeding. He argued that the failure to file a timely notice of PCR was not his fault. He also raised claims of ineffective assistance of counsel and of a significant change in the law. The superior court summarily dismissed the proceeding, and this petition for review followed.

¶4 Absent an abuse of discretion or error of law, this Court will not disturb the trial court’s ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 576–77, ¶ 19 (2012). As the petitioner, it is Pledger’s burden on review to demonstrate that the superior court abused its discretion. *State v. Poblete*, 227 Ariz. 537, ¶ 1 (App. 2011). Pledger has not carried his burden.

¶5 The superior court dismissed Pledger’s successive petition in an order that clearly identified and correctly ruled upon the issues raised. The court did so in a thorough, well-reasoned manner that will permit 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

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correct ruling in a written decision.” *State v. Whipple*, 177 Ariz. 272, 274 (App. 1993). We therefore adopt the superior court’s ruling.

CONCLUSION

¶6 For the reasons stated, we grant review but deny relief.



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