

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

ERNESTO ALONZO URIARTE-VELAZQUEZ, *Petitioner*.

No. 1 CA-CR 16-0602 PRPC
FILED 9-14-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2012-161699-005
The Honorable Sam J. Myers, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

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

Ernesto Alonzo Uriarte-Velazquez, Eloy
Petitioner

MEMORANDUM DECISION

Judge Michael J. Brown delivered the decision of the Court, in which
Presiding Judge Diane M. Johnsen and Judge Jennifer B. Campbell joined.

STATE v. URIARTE-VELAZQUEZ
Decision of the Court

B R O W N, Judge:

¶1 Ernesto Alonzo Uriarte-Velazquez 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 and deny relief.

¶2 In October 2014, Uriarte-Velazquez was convicted by a jury of burglary, three counts of kidnapping, armed robbery, and three counts of aggravated assault that arose from a home invasion. This court affirmed the convictions and sentences on January 14, 2016, and issued the mandate on March 15, 2016. Uriarte-Velazquez filed a petition for post-conviction relief on June 20, 2016. The superior court dismissed the petition as untimely and held that even if it had been timely filed, Uriarte-Velazquez failed to raise any claims upon which relief could be granted. The court denied Uriarte-Velazquez's motion for reconsideration and he filed this petition for review.

¶3 Absent an abuse of discretion or error of law, this court will not disturb the superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 576-77, ¶ 19 (2012). Here, the superior court dismissed the petition for post-conviction relief in an order explaining that Uriarte-Velazquez failed to demonstrate a factual or legal basis that would excuse the untimely filing. Further, the court did so in a thorough, well-reasoned manner that will allow any future court to understand the court's 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). Therefore, we adopt the court's ruling and deny relief.



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