

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Respondent*,

*v.*

BRADLEY HUGH TOCKER, *Petitioner*.

No. 1 CA-CR 15-0704 PRPC  
FILED 1-11-2018

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Petition for Review from the Superior Court in Maricopa County  
No. CR2010-005795-001  
The Honorable Joan M. Sinclair, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Susan L. Luder  
*Counsel for Respondent*

Maricopa County Public Advocate, Phoenix  
By Stephen Whelihan  
*Counsel for Petitioner*

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**MEMORANDUM DECISION**

Judge Peter B. Swann delivered the decision of the Court, in which Presiding Judge Randall M. Howe and Judge Maria Elena Cruz joined.

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**S W A N N**, Judge:

¶1 Bradley Hugh Tocker petitions this court for review of the superior court's dismissal of his petition for post-conviction relief. For reasons that follow, we grant review but deny relief.

¶2 A jury found Tocker guilty of first-degree murder, fraudulent schemes and artifices, theft of means of transportation, and misconduct involving weapons. The superior court imposed a natural life sentence for the murder conviction, with the remaining sentences to be served concurrently. On direct appeal, this court affirmed Tocker's convictions and sentences. *State v. Tocker*, 1 CA-CR 11-0681, 2012 WL 4564276 (Ariz. App. Oct. 2, 2012) (mem. decision).

¶3 Tocker petitioned the superior court for post-conviction relief, raising claims of ineffective assistance of counsel in connection with trial counsel's failure to sufficiently challenge the admission of two categories of evidence: the chemical test results that indicated the presence of otherwise unobservable blood at the crime scene, and internet search terms found on computers located in Tocker's home.

¶4 With respect to the blood evidence, Tocker specifically argued trial counsel was ineffective by: (1) failing to challenge the admissibility of the "luminol testing, which is a presumptive test for blood, where there was no test confirming the presence of blood"; (2) failing to challenge the state's expert's opinion that some of the reactions to luminol were "true positives" for blood; (3) failing to engage an expert to challenge the state's expert testimony; and (4) failing to adequately cross-examine the state's expert. The state responded, Tocker replied, and the superior court dismissed the petition. Tocker petitioned for review.

¶5 On review, Tocker argues the superior court erred in numerous respects. We disagree. When a trial court's summary order denying a petition for post-conviction relief clearly identifies the issues raised and the issues are correctly ruled upon in a manner that will allow

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the court in the future to understand the resolution, then no 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, 273 (App. 1993). In his petition for review, Tocker repeats the specific arguments he made to the superior court supporting his ineffective assistance of counsel claim related to trial counsel's purported failure to adequately contest the chemical test results.<sup>1</sup> The superior court's order dismissing the petition for post-conviction relief addressed the merits of the arguments raised by Tocker in his petition. Further, the court's ruling was well-reasoned and could be understood by future courts. We need not repeat the analysis here.

¶6 Accordingly, we grant review but deny relief.



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

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<sup>1</sup> Tocker, by not addressing in his petition for review his ineffective assistance of counsel claim related to the computer search results, has abandoned the claim. *See State v. Carver*, 160 Ariz. 167, 175 (1989) (holding that the failure to argue a claim usually constitutes abandonment and waiver of such claim) (citations omitted).