

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

JAMES EUGENE JONES, *Petitioner*.

No. 1 CA-CR 17-0219 PRPC  
FILED 1-18-2018

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Petition for Review from the Superior Court in Maricopa County  
No. CR2015-002413-001  
The Honorable Jerry Bernstein, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Gerald R. Grant  
*Counsel for Respondent*

James Eugene Jones, San Luis  
*Petitioner*

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**MEMORANDUM DECISION**

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Judge Jennifer M. Perkins joined.

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**THOMPSON**, Judge:

¶1 James Eugene Jones petitions for review of the dismissal of his petition for post-conviction relief of-right (PCR) filed pursuant to Arizona Rule of Criminal Procedure Rule 32.1. We have considered the petition for review and grant review, but deny relief.

¶2 Jones was indicted for one count of possession of dangerous drugs for sale, and two counts of misconduct involving weapons. Later, the state filed an allegation of historical prior convictions, an allegation the offenses were committed while Jones was on felony release, and an allegation the drugs Jones possessed exceeded the statutory threshold amount.

¶3 Although the prosecutor was initially unwilling to extend any plea offer, counsel managed to negotiate a plea agreement for Jones. In exchange for his guilty plea to conspiracy to possess dangerous drugs for sale and to misconduct involving weapons, both with two historical prior convictions, the state agreed to dismiss the remaining count in the indictment, and the allegation of additional prior convictions, the allegation the offenses were committed while Jones was on felony release, and the allegation the drugs possessed exceeded the statutory threshold amount.

¶4 The superior court accepted the plea. At sentencing, the superior court found mitigating and aggravating circumstances and sentenced Jones to the minimum term of 14 years' imprisonment for conspiracy to possess dangerous drugs for sale, and a concurrent presumptive term of 10 years' imprisonment for misconduct involving weapons.

¶5 Jones timely commenced PCR proceedings. Counsel was appointed, but found no claims for relief. Jones filed a pro se petition and raised four issues; he claimed that his right to a speedy trial had been violated, that his counsel was ineffective for failing to convey a plea offer, that the court failed to consider mitigating evidence, and that his sentences

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were unfairly disparate. After considering the petition, the state's response, and the reply, the superior court summarily dismissed, and this petition for review followed.

¶6 Absent an abuse of discretion or error of law, this court will not disturb a superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 576-77, ¶ 19 (2012). It is Jones' burden on review to demonstrate that the superior court abused its discretion. *See State v. Poblete*, 227 Ariz. 537, 538, ¶ 1 (App. 2011). Jones has not carried his burden.

¶7 The superior court dismissed the proceeding in an order that clearly identified and correctly ruled upon the issues raised. Further, 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 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 superior court's ruling as to these claims and deny relief.



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