

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

APR 18 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2013-0067-PR
	)	DEPARTMENT B
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
ERIC WADE HANSON,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2002015098

Honorable Karen L. O'Connor, Judge

REVIEW GRANTED; RELIEF DENIED

Eric Hanson

Buckeye  
In Propria Persona

ESPINOSA, Judge.

¶1 Petitioner Eric Hanson was convicted after a jury trial of one count of robbery and two counts of theft of means of transportation, with two historical prior felony convictions. The convictions and the concurrent prison terms, the longest of which were two eighteen-year terms, were affirmed on appeal. *State v. Hanson*, No. 1 CA-CR 03-0103 (memorandum decision filed Nov. 6, 2003). Hanson now seeks review of the trial court’s order dismissing what appears to have been his fourth notice of post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Hanson has not met his burden of establishing such abuse here.

¶2 In its minute entry dismissing the notice of post-conviction relief, the trial court correctly identified Hanson’s claims of ineffective assistance of trial counsel and a significant change in the law based on *Blakely v. Washington*, 542 U.S. 296 (2004). See Ariz. R. Crim. P. 32.1(a), (g). The court correctly found that any claim of ineffective assistance of counsel would be precluded, see Ariz. R. Crim. P. 32.2(a)(3), and that any *Blakely*-based claim would be patently without merit because *Blakely* is not retroactively applicable and Hanson’s case was final when the Supreme Court decided *Blakely* on June 24, 2004.<sup>1</sup> Hanson has not persuaded us the court abused its discretion in its ruling,

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<sup>1</sup>We note, too, that Hanson raised the *Blakely* claim previously and, in its September 27, 2004, minute entry dismissing Hanson’s September 10, 2004, notice of post-conviction relief, the trial court rejected the potential claim for the same reason the court rejected the claim in this proceeding. Consequently, the claim also is precluded. Ariz. R. Crim. P. 32.2(a)(2).

which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). His contention that this was his first post-conviction proceeding is belied by the record, and he is mistaken that the court was required to appoint counsel to assist him in this successive proceeding. *See* Ariz. R. Crim. P. 32.4(c)(2).

¶3 We grant Hanson's petition for review, but for the reasons stated, relief is denied.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge