

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

GEORGE FRANCIS CURTIS,
Petitioner.

No. 2 CA-CR 2014-0427-PR
Filed March 2, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Pima County

No. CR20111289001

The Honorable Javier Chon-Lopez, Judge

REVIEW GRANTED; RELIEF DENIED

George Curtis, Florence
In Propria Persona

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MEMORANDUM DECISION

Judge Vásquez authored the decision of the Court, in which Presiding Judge Kelly and Judge Howard concurred.

VÁSQUEZ, Judge:

¶1 George Curtis seeks review of the trial court’s order dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly has abused its discretion. *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Curtis has not met his burden of demonstrating such abuse here.

¶2 After a jury trial, Curtis was convicted of two counts of child molestation and sentenced to concurrent, ten-year prison terms. On appeal, we vacated the trial court’s imposition of a criminal restitution order but otherwise affirmed his convictions and sentences. *State v. Curtis*, No. 2 CA-CR 2012-0164 (memorandum decision filed June 4, 2013).

¶3 Curtis sought post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record but had found no colorable issue to raise in a Rule 32 proceeding. Curtis then filed a pro se petition arguing that his convictions violated double jeopardy protections and that his trial counsel was ineffective for failing to raise that issue, object to purported prosecutorial misconduct, and cross-examine the victim. The trial court summarily dismissed the petition. This petition for review followed.

¶4 On review, Curtis repeats his claims and asserts he is entitled to an evidentiary hearing. We have reviewed Curtis’s claims and the trial court’s ruling and conclude the court correctly rejected those claims in a thorough minute entry and “[n]o useful purpose would be served by this court rehashing [that] ruling in a

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written decision”; accordingly, we adopt the court’s ruling. *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶5 We write further only to note that, even had the prosecutor committed misconduct, Curtis has not demonstrated that counsel’s decision to not object was anything other than a reasoned, tactical decision. *See generally State v. Moreno*, 153 Ariz. 67, 69-70, 734 P.2d 609, 611-12 (App. 1986) (discussing tactical decisions by counsel involving objections and witnesses). “[W]e must presume ‘counsel’s conduct falls within the wide range of reasonable professional assistance’ that ‘might be considered sound trial strategy.’” *State v. Denz*, 232 Ariz. 441, ¶ 7, 306 P.3d 98, 101 (App. 2013), *quoting Strickland v. Washington*, 466 U.S. 668, 689 (1984). And “[d]isagreements as to trial strategy . . . will not support a claim of ineffective assistance of counsel as long as the challenged conduct could have some reasoned basis.” *State v. Meeker*, 143 Ariz. 256, 260, 693 P.2d 911, 915 (1984).

¶6 Although we grant review, we deny relief.