

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

PAUL ALAN CURRAN,
Petitioner.

No. 2 CA-CR 2015-0164-PR
Filed September 18, 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NOT FOR PUBLICATION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. CR20120877001
The Honorable Kenneth Lee, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Respondent

Paul Curran, Tucson
In Propria Persona

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Howard and Judge Kelly¹ concurred.

V Á S Q U E Z, Presiding Judge:

¶1 Petitioner Paul Curran 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 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). Curran has not sustained his burden of establishing such abuse here.

¶2 Pursuant to a plea agreement, Curran was convicted of aggravated assault with a deadly weapon/dangerous instrument. In January 2014, the trial court suspended the imposition of sentence and placed Curran on intensive probation for two years.² Curran then initiated a post-conviction proceeding. After appointed counsel notified the court she was “unable to find any arguably meritorious legal issues to raise in a Petition for Post-Conviction Relief,” Curran filed a pro se petition, which the court dismissed without conducting an evidentiary hearing. This petition for review followed.

¶3 On review, Curran essentially reasserts several of the claims he raised below, and asks that he be permitted to withdraw

¹The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

²In March 2014, after Curran admitted having violated the conditions of his probation, the trial court continued him on probation with a new termination date of July 2014 and ordered him to serve the remainder of his probation in jail.

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his guilty plea. He contends trial counsel was ineffective for failing to provide him with copies of the transcript of the grand jury proceedings, failing to send him the memorandum from the public defender's office setting forth the legal process of the case, and failing to give the trial court the fact sheets he had prepared. Curran also argues his plea was invalid, asserting the state, his attorney, and the settlement judge coerced him to plead guilty during an "off-the-record status conference," and maintains he does "not recognize [his] guilt."

¶4 The trial court clearly identified Curran's claims and resolved them correctly based on a thorough, well-reasoned analysis, which we need not repeat. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). We adopt the court's ruling.³ *See id.* Finally, to the extent Curran suggests for the first time on review that his claim is based on newly discovered evidence, we do not consider this argument. *See State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980) (declining to address issue not presented first to trial court); *see also* Ariz. R. Crim. P. 32.9(c)(1)(ii).

¶5 Therefore, although we grant review, we deny relief.

³We note, however, that in its ruling the trial court mistakenly stated that Curran was placed on probation in 2015, rather than 2014.