

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

LAWRENCE PAUL HARTOON,  
*Petitioner.*

No. 2 CA-CR 2017-0058-PR  
Filed June 13, 2017

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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NOT FOR PUBLICATION  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.*

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Petition for Review from the Superior Court in Pima County  
No. CR20141577001  
The Honorable Kenneth Lee, Judge

**REVIEW GRANTED; RELIEF DENIED**

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Lawrence Paul Hartoon, Florence  
*In Propria Persona*

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**MEMORANDUM DECISION**

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Miller concurred.

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S T A R I N G, Presiding Judge:

¶1 Lawrence Hartoon seeks review of the trial court's ruling denying his petition for post-conviction relief filed pursuant to Rule 32.1, Ariz. R. Crim. P. We will not disturb that order unless the court clearly abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7, 353 P.3d 847, 848 (2015). Hartoon has not met his burden of demonstrating such abuse here.

¶2 After a jury trial, Hartoon was convicted of aggravated assault with a deadly weapon or dangerous instrument. The trial court sentenced him to a ten-year prison term. This court affirmed his conviction and sentence on appeal. *State v. Hartoon*, No. 2 CA-CR 2015-0035 (Ariz. App. Jan. 27, 2016) (mem. decision).

¶3 Hartoon sought post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record but found no meritorious claims to raise in a Rule 32 proceeding. Hartoon then filed a pro se petition raising numerous claims, including that: (1) the trial court lacked jurisdiction to impose judgment and sentence; (2) there had been a significant change in the law applicable to his case; (3) he had acted in self-defense and thus was not guilty of aggravated assault; (4) we erred by concluding on appeal that he had waived a claim his indictment was improper; (5) his trial counsel was ineffective for failing to raise the indictment issue; (6) trial counsel was ineffective for failing to raise issues related to his mental health at sentencing; (7) his first appointed appellate counsel rendered ineffective assistance because she had a conflict of interest; (8) his second appointed appellate counsel was ineffective because he

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refused to withdraw the brief<sup>1</sup> filed by first counsel; and (9) his appointed counsel in the Rule 32 proceeding was ineffective. The court summarily denied relief, and this petition for review followed.

¶4 On review, Hartoon broadly asserts the trial court erred in rejecting his claims and he is entitled to an evidentiary hearing. What he does not do, however, is identify any specific error in the court's analysis of those claims. We have reviewed the record, and we conclude the court correctly identified and rejected Hartoon's claims in a thorough and well-reasoned minute entry that we accordingly adopt. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised "in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court rehashing the trial court's correct ruling in a written decision").

¶5 We write further only to observe that, to the extent Hartoon raised a claim of actual innocence, the trial court appears to have found that claim precluded. A claim of actual innocence raised pursuant to Rule 32.1(h) is not subject to preclusion under Rule 32.2. However, it is not entirely clear that Hartoon has raised a claim under Rule 32.1(h). But, even assuming Hartoon intended to do so, he has not established, by clear and convincing evidence, that no reasonable jury would find him guilty beyond a reasonable doubt, as required for relief under that subsection. *See Ariz. R. Crim. P. 32.1(h)*. Thus, the court did not err in summarily rejecting Hartoon's claim of innocence. *See State v. Lopez*, 234 Ariz. 513, ¶ 10, 323 P.3d 1164, 1166 (App. 2014) (reviewing court will affirm trial court's ruling if it is correct for any reason).

¶6 We grant review but deny relief.

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<sup>1</sup>On appeal, first counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), before withdrawing from the case. Hartoon filed a supplemental brief raising various arguments, several of which are similar to the arguments he raised in the Rule 32 proceeding.