

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

ISSAC ALMAZAN,
Petitioner.

No. 2 CA-CR 2017-0144-PR
Filed July 31, 2017

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NOT FOR PUBLICATION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. CR20144994001
The Honorable Paul E. Tang, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Law Offices of Henry Jacobs, PLLC, Tucson
By Henry Jacobs
Counsel for Petitioner

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Howard¹ concurred.

ECKERSTROM, Chief Judge:

¶1 Petitioner Issac Almazan seeks review of the trial court's order denying his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P., challenging the revocation of his probation. Absent a clear abuse of discretion, we will not disturb the trial court's ruling. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Almazan has not established such abuse.

¶2 Pursuant to a plea agreement, Almazan was convicted of second-degree burglary. In February 2015, the trial court suspended the imposition of sentence and placed him on intensive probation for a period of three years. In April 2016, the state filed a petition to revoke probation. The court concluded Almazan had violated the terms of his probation, but continued him on probation.

¶3 In July 2016, the state filed another petition to revoke probation. After Almazan admitted one violation, the trial court revoked Almazan's probation and imposed a two-year term of imprisonment. Almazan filed a notice of post-conviction relief, arguing in his petition that the court improperly had considered other, dismissed violations in determining to revoke probation. The court summarily denied relief.

¶4 On review, Almazan again contends the trial court violated his due process rights by considering dismissed allegations in deciding whether to revoke probation. We cannot say, however,

¹The Hon. Joseph W. Howard, 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.

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that the court abused its discretion in denying Almazan's petition for post-conviction relief. The court clearly identified the claims he had raised and resolved them correctly in a thorough, well-reasoned minute entry, which we 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 Although we grant the petition for review, we deny relief.