

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

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

ALISON YOON SOOK WHANG,  
*Petitioner.*

No. 2 CA-CR 2017-0289-PR  
Filed November 16, 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NOT FOR PUBLICATION  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 Maricopa County  
No. CR2010156033001DT  
The Honorable Susanna C. Pineda, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

William G. Montgomery, Maricopa County Attorney  
By E. Catherine Leisch, Deputy County Attorney, Phoenix  
*Counsel for Respondent*

Thomas J. Phalen, Phoenix  
*Counsel for Petitioner*

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**MEMORANDUM DECISION**

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

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E P P I C H, Judge:

¶1 Petitioner Alison Whang seeks review of the trial court’s order denying her 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 (App. 2007). Whang has not sustained her burden of establishing such abuse here.

¶2 After a bench trial, Whang was convicted of three counts of forgery, class-two felony theft, taking the identity of another, misdemeanor theft, and money laundering. The trial court sentenced her to concurrent terms of imprisonment, the longest of which was 19.75 years. The convictions and sentences were affirmed on appeal. *State v. Whang*, No. 1 CA-CR 12-0020 (Ariz. App. Jan. 29, 2013) (mem. decision). Whang thereafter sought post-conviction relief, arguing in her petition that she had received ineffective assistance of counsel in regard to her rejection of offered pleas and her waiver of a jury trial and that, as a result, her waiver of her right to a jury trial was not knowing, intelligent, and voluntary. The trial court summarily dismissed Whang’s claims that counsel was ineffective in (1) advising her about a plea offer for seven to ten years’ imprisonment, (2) presenting mitigation evidence at sentencing, (3) contesting out-of-state prior convictions at sentencing, and (4) the jury-trial waiver. It set a hearing on the remaining claim, that counsel had been ineffective in failing to advise Whang of a plea offer for 6.5 years’ imprisonment, but after the hearing denied relief.

¶3 On review, Whang contends the trial court abused its discretion in rejecting her claim of ineffective assistance arising from the 6.5-year plea offer and her related claims that her plea and trial waivers were not knowing, intelligent, or voluntary. Our review of the court’s factual findings after an evidentiary hearing “is limited to a determination of whether those findings are clearly erroneous”; we “view the facts in the light most favorable to sustaining the lower court’s ruling, and we must

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resolve all reasonable inferences against the defendant.” *State v. Sasak*, 178 Ariz. 182, 186 (App. 1993). When, as in this case, “the trial court’s ruling is based on substantial evidence, this court will affirm.” *Id.* “Evidence is not insubstantial merely because testimony is conflicting or reasonable persons may draw different conclusions from the evidence.” *Id.* Whang’s argument on this point amounts to a request that this court reweigh the evidence presented to the trial court; that we will not do. *See State v. Fritz*, 157 Ariz. 139, 141 (App. 1988) (trial court sole arbiter of witness credibility in post-conviction proceeding).

¶4 The trial court clearly identified the remainder of the claims Whang raised and resolved them correctly in a thorough, well-reasoned minute entry, which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274 (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 Therefore, although we grant the petition for review, we deny relief.