

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

JAMES EDWARD HUGABOOM,
Petitioner.

No. 2 CA-CR 2018-0038-PR
Filed July 6, 2018

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NOT FOR PUBLICATION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. 31.19(e).

Petition for Review from the Superior Court in Pima County
No. CR20134758001
The Honorable Christopher Browning, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

The Law Offices of Stephanie K. Bond P.C., Tucson
By Stephanie K. Bond
Counsel for Petitioner

STATE v. HUGABOOM
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Brearcliffe concurred.

STARING, Presiding Judge:

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

¶2 After a jury trial, Hugaboom was convicted of sexual exploitation of a minor under fifteen and sexual conduct with a minor under fifteen. The trial court sentenced him to consecutive prison terms totaling thirty-seven years. On appeal, we affirmed the convictions and sentences. *State v. Hugaboom*, No. 2 CA-CR 2014-0279 (Ariz. App. Dec. 16, 2015) (mem. decision). Hugaboom thereafter sought and was denied post-conviction relief. *State v. Hugaboom*, No. 2 CA-CR 2017-0087-PR, ¶ 3 (Ariz. App. June 29, 2017) (mem. decision). On review we granted relief in part, ordering the trial court to reconsider its ruling on Hugaboom’s claim that trial counsel had been ineffective in “opening the door” to admission of a photograph of the victim in the shower. *Id.* ¶¶ 5-8.

¶3 The trial court heard argument from the parties after remand, and, although it assumed *arguendo* that counsel’s performance in opening the door for the photograph to come in had been deficient, the court concluded Hugaboom could not establish resulting prejudice. We cannot say the court abused its discretion in so concluding or in denying relief on the claim. In its thorough, well-reasoned minute entry, the court clearly identified and correctly resolved the claim; we therefore adopt its ruling. *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”).

¶4 Although we grant the petition for review, we deny relief.