

FILED BY CLERK

FEB -6 2009

COURT OF APPEALS  
DIVISION TWO

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.**  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Respondent,	)	2 CA-CR 2008-0358-PR
	)	DEPARTMENT A
	)	
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
GEORGE YSIDRO SPERLE,	)	Rule 111, Rules of
	)	the Supreme Court
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR200500146

Honorable Wallace R. Hoggatt, Judge

REVIEW GRANTED; RELIEF DENIED

Edward G. Rheinheimer, Cochise County Attorney  
By Wesley D. Jensen

Bisbee  
Attorneys for Respondent

Law Offices DiCampli, Elsberry & Hunley, LLC  
By Anne Elsberry

Tucson  
Attorneys for Petitioner

HOWARD, Presiding Judge.

¶1 Petitioner George Sperle seeks review of the trial court’s summary denial of his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. The trial court did not abuse its discretion in that ruling. Therefore, although we accept review, we deny relief.

¶2 Sperle argues the trial court erred in denying his petition for post-conviction relief, in which he asserted multiple claims of ineffective assistance of counsel.<sup>1</sup> Specifically, he asserts that trial counsel was ineffective in failing to “properly request a mistrial” and in neglecting to “offer testimony regarding the operability of [a] firearm.” We review a trial court’s decision granting or denying post-conviction relief for an abuse of discretion. *State v. Watton*, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990). When a trial court’s order denying a petition for post-conviction relief “clearly identif[ies] the issues raised” and “[e]ach issue raised is correctly ruled upon in a fashion that will allow any court in the future to understand the resolution,” then “[n]o useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision.” *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶3 Here, in a detailed minute entry, the trial court clearly and correctly addressed the merits of the ineffective assistance claims Sperle raised in his petition for post-conviction

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<sup>1</sup>Sperle also mentions that the victim sent a letter to Sperle’s trial attorney recanting much of his trial testimony. But Sperle fails to adequately develop any argument concerning this issue. Therefore, the issue is waived. *See* Ariz. R. Crim. P. 32.9(c)(1)(ii)–(iv); *State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995).

relief.<sup>2</sup> We will not repeat that analysis here. The trial court did not abuse its discretion in denying post-conviction relief on Sperle's claims of ineffective assistance of counsel. Therefore, although we grant the petition for review, we deny relief.

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JOSEPH W. HOWARD, Presiding Judge

CONCURRING:

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JOHN PELANDER, Chief Judge

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PHILIP G. ESPINOSA, Judge

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<sup>2</sup>To the extent that the trial court relied on testimony presented at trial in rendering its decision, we note that the trial transcripts are not included in the record. We therefore presume the contents of the missing transcripts support the trial court's ruling. *See State v. Wilson*, 179 Ariz. 17, 19 n.1, 875 P.2d 1322, 1324 n.1 (App. 1993).