

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

FILED BY CLERK

SEP 16 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Respondent,	)	2 CA-CR 2010-0218-PR
	)	DEPARTMENT A
	)	
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
RONNIE HURSEY, SR.,	)	Rule 111, Rules of
	)	the Supreme Court
Petitioner.	)	
	)	

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PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR200602093

Honorable Janna L. Vanderpool, Judge

REVIEW GRANTED; RELIEF DENIED

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Hernandez, Scherb, & Dixon, P.C.  
By Richard Scherb

Florence  
Attorneys for Petitioner

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B R A M M E R, Presiding Judge.

¶1 In June 2008, petitioner Ronnie Hursey, Sr. was convicted and sentenced to an enhanced twelve-year prison term after a jury had found him guilty of aggravated assault, a repetitive, dangerous-nature offense. After this court affirmed his conviction and sentence on appeal, *see State v. Hursey*, No. 2 CA-CR 2008-0191 (memorandum

decision filed June 24, 2009), he instituted this proceeding by filing a notice of post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P.

¶2 In the petition that followed, Hursey asserted trial counsel had rendered ineffective assistance by inadequately explaining the terms and benefits of a plea offer the state had extended during trial. He claimed he rejected the offered plea because of a “misunderstanding” about the term of probation he would have been required to serve after he completed a 3.5-year prison term and because he was unaware that he faced up to twelve years in prison if convicted at trial. The trial court summarily denied relief, and this petition for review followed. Hursey contends he presented a colorable claim for relief and was entitled to an evidentiary hearing pursuant to Rule 32.8, Ariz. R. Crim. P. We will not disturb a denial of post-conviction relief unless the court clearly has abused its discretion, and our review of its ruling is “highly deferential.” *State v. Mata*, 185 Ariz. 319, 331, 916 P.2d 1035, 1047 (1996), quoting *Strickland v. Washington*, 466 U.S. 668, 689 (1984); see also *State v. Bennett*, 213 Ariz. 562, ¶ 26, 146 P.3d 63, 69 (2006).

¶3 The judge who ruled on Hursey’s post-conviction petition also had presided over his trial, and she recalled having conducted at least two hearings in the case pursuant to *State v. Donald*, 198 Ariz. 406, 10 P.3d 1193 (App. 2000), in connection with earlier plea offers Hursey also had declined. The trial court thus drew on its own observations and knowledge in finding Hursey “disingenuous” in claiming he had not understood the consequences of accepting or rejecting the latest in a series of offered plea agreements when he refused the state’s final offer on the morning of the second day of trial.

¶4 In its detailed minute entry ruling, the trial court predicated its denial of relief on a number of specific factual findings, none of which Hursey has disputed in his petition for review. Because the petition for review adds nothing of substance to the claims he advanced in his petition for post-conviction relief below, we approve and adopt both the court’s factual findings and its conclusion that counsel was not ineffective in advising Hursey concerning the state’s final plea offer. We thus find no abuse of the court’s discretion in denying post-conviction relief for the reasons it articulated. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court correctly identifies and rules 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[’s] rehashing the trial court’s correct ruling in a written decision”).

¶5 We grant the petition for review but deny relief.

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Presiding Judge

CONCURRING:

/s/ Joseph W. Howard  
JOSEPH W. HOWARD, Chief Judge

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge