

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

ANGELA RENE LEEMAN,
Petitioner.

No. 2 CA-CR 2017-0419-PR
Filed March 9, 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NOT FOR PUBLICATION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. CR42678
The Honorable James E. Marner, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Respondent

Joel Feinman, Pima County Public Defender
By David J. Euchner, Assistant Public Defender, Tucson

and

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Kevin M. Burke, Pima County Legal Advocate
By A. Kate Bouchee Verenna, Assistant Legal Advocate, Tucson
Counsel for Petitioner

Phillips Black Project, San Francisco, California
By John R. Mills

and

Arizona Attorneys for Criminal Justice, Phoenix
By Mikel Steinfeld
Counsel for Amici Curiae Phillips Black Project and Arizona Attorneys for Criminal Justice

Arizona Capital Representation Project, Tucson
By Amy Armstrong and Sam Kooistra

and

Arizona Justice Project, Phoenix
By Lindsay Herf
Counsel for Amici Curiae Arizona Capital Representation Project and Arizona Justice Project

MEMORANDUM DECISION

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

V Á S Q U E Z, Presiding Judge:

¶1 Petitioner Angela Leeman seeks review of the trial court's order denying her fourth 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). Leeman has not sustained her burden of establishing such abuse here.

¶2 After a jury trial, Leeman, seventeen years old at the time of the offenses, was convicted of thirteen counts of child abuse, one count of

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possession of methamphetamine, and one count of possession of drug paraphernalia. The trial court sentenced her to concurrent and consecutive prison terms totaling sixty-one years. This court affirmed her convictions on appeal, but ordered resentencing on certain counts because the court had corrected the sentences in Leeman's absence. *State v. Leeman*, No. 2 CA-CR 94-0364 (Ariz. App. Mar. 14, 1996) (mem. decision). The trial court denied her subsequent petition for post-conviction relief, and this court granted review, but denied relief on her petition for review. *State v. Leeman*, No. 2 CA-CR 97-0286-PR (Ariz. App. May 21, 1998) (mem. decision). Two more proceedings for post-conviction relief were also dismissed.

¶3 In December 2016, Leeman filed another notice of post-conviction relief, arguing she was entitled to relief based on a significant change in the law. Specifically, she argued that the United States Supreme Court's decisions in *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, ___ U.S. ___, 136 S. Ct. 718 (2016), entitled her to relief from her consecutive sentences, which were of such length that she would "never be released from prison." She also claimed she received ineffective assistance of trial and appellate counsel based on her child abuse convictions having been multiplicitous and on appellate counsel's failure to raise several sentencing issues. The trial court summarily denied relief.

¶4 We cannot say the trial court abused its discretion in denying Leeman's petition for post-conviction relief. The court clearly identified the claims Leeman had 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 We grant the petition for review, but deny relief.