

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,)	Arizona Supreme Court
	)	No. CR-23-0179-PR
Respondent,)	
	)	Court of Appeals
v.	)	Division Two
	)	No. 2 CA-CR 23-0045 PRPC
VANESSA SUE STAFFORD,)	
	)	Yavapai County
Petitioner.	)	Superior Court
	)	No. V1300CR201880374
)	

FILED 7/19/2023

O R D E R

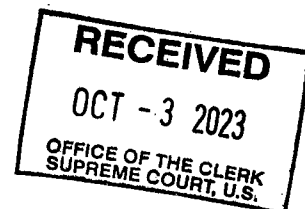
The court of appeals issued its decision in this matter on March 30, 2023 and issued the mandate on May 30, 2023. Petitioner Stafford filed a petition for review on July 14, 2023. Under the Arizona Rules of Civil Appellate Procedure 23(b)(2)(A), a petitioner must file a petition for review within 30 days of the court of appeals' memorandum decision or seek an extension before the expiration of the 30-day period. Accordingly,

IT IS ORDERED dismissing the petition for review as untimely.

DATED this 19th day of July, 2023.

/s/
WILLIAM G. MONTGOMERY
Duty Justice

TO:
Alice Jones
Ethan A Wolfinger
Vanessa Stafford
Beth C Beckmann
sb



B3A

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

VANESSA SUE STAFFORD,
Petitioner.

No. 2 CA-CR 2023-0045-PR
Filed March 30, 2023

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NOT FOR PUBLICATION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 Yavapai County
No. V1300CR201880374

The Honorable Michael R. Bluff, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Dennis M. McGrane, Yavapai County Attorney
By Ethan A. Wolfinger, Deputy County Attorney, Camp Verde
Counsel for Respondent

Vanessa S. Stafford, Cottonwood
In Propria Persona

summarily dismissed this proceeding, explaining that her Rule 33.1(a) claim was untimely and that Stafford had not "adequately explain[ed] why the failure to timely file a notice was not her fault." In addition, the court noted that, as to her Rule 33.1(e) and (h) claims, Stafford had failed to "indicate when she discovered the basis for the claim" or to explain why she had not raised the claims sooner.

¶4 In June 2022, Stafford again simultaneously filed a notice of and petition for post-conviction relief, also citing Rule 33.1(a), (e), and (h). She challenged the trial court's finding that her second proceeding was untimely, arguing that her "last oral pronouncement of sentence . . . was on March 28, 2022." The court scheduled an informal conference "to clarify certain issues" and to avoid "further frustrating" Stafford, but Stafford did not appear. In July 2022, the court dismissed the third proceeding. In its ruling, the court included a detailed history of the case and observed that Stafford's "complaint centers on the victim restitution ordered." The court again explained that any Rule 33.1(a) claim was untimely because Stafford had been sentenced in March 2019, not March 2022, when her probation had been extended, making both the current and previous notice untimely. In addition, the court determined that Stafford had failed to explain "why she waited over three years" to raise the challenge when she knew of the restitution claims in February 2019. As to the Rule 33.1(e) and (h) claims, the court again noted that Stafford had "not provided any reasons why her challenge to the restitution amount could not have been raised at sentencing or immediately thereafter."

¶5 In September 2022, Stafford filed another notice of post-conviction relief, this time citing Rule 33.1(a), (c), (e), and (h). Later that month, the trial court summarily dismissed the notice. The court rejected Stafford's claim of ineffective assistance of previous Rule 33 counsel, explaining that she had not been appointed counsel in any of the previous proceedings for post-conviction relief. The court additionally noted that, by pleading guilty, Stafford had "waived all non-jurisdictional defects and defenses, including claims of ineffective assistance of counsel," unrelated to the validity of the plea. The court further explained that Stafford had "not explained why she waited over three years to claim her trial attorney was ineffective." As to any claims under Rule 33.1(b) through (h), the court determined that Stafford had "not provided any reasons why

Stafford was sentenced in this matter on March 4, 2019, which was more than three years before initiating each of her Rule 33 proceedings. Consequently, any Rule 33.1(a) claim was untimely. *See* Ariz. R. Crim. P. 33.4(b)(3)(A). And Stafford has failed to explain why the failure to timely file a notice was not her fault. *See* Ariz. R. Crim. P. 33.4(b)(3)(D). Accordingly, the court did not abuse its discretion in summarily dismissing her Rule 33.1(a) claims.

¶10 For Stafford's claims under Rule 33.1(b) through (h), she has not explained why she could not have raised her claims previously or in a timely manner. *See* Ariz. R. Crim. P. 33.2(b)(1). Nor has she challenged the trial court's determination that she failed to do so. *See* Ariz. R. Crim. P. 33.16(c)(4) ("A party's failure to raise any issue that could be raised in the petition for review or cross-petition for review constitutes a waiver of appellate review of that issue."). At bottom, Stafford appears to be challenging the restitution amount. But that amount was known by at least the time of sentencing in March 2019. In fact, the state filed a notice of financial loss even before then in January 2019. Without an explanation for this three-year delay, we cannot say the court abused its discretion in summarily dismissing these claims.³

¶11 Accordingly, we grant review but deny relief.

³To the extent Stafford attempts to raise new arguments for the first time on review, we do not address them. *See* Ariz. R. Crim. P. 33.16(c)(2)(B) (petition for review shall include statement of issues trial court decided that defendant is presenting for review); *State v. Ramirez*, 126 Ariz. 464, 468 (App. 1980) (court of appeals does not address issues raised for first time in petition for review).

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

VANESSA STAFFORD,

Defendant.

DOB: 12/20/1970
SSN: XXX-XX-4435

NO. V1300CR201880374

PLEA AGREEMENT

Assigned to Christopher L. Kottke

The STATE OF ARIZONA and the Defendant hereby agree to the following disposition of this case:

PLEA: The Defendant agrees to plead **GUILTY** to:

Count 1 of the Indictment (As Amended): **CRIMINAL DAMAGE**, committed on or about September 10, 2016, in violation of ARS §13-1602(A)(1), a class 5 felony.

Count 3 of the Indictment: **LEAVE SCENE OF ACCIDENT WITH DAMAGE TO ATTENDED VEHICLE**, committed on or about September 10, 2016, in violation of ARS §28-662(A)(1), a class 2 misdemeanor.

These are non-dangerous, non-repetitive offenses under the Criminal Code.

TERMS: On the following understanding, terms and conditions:

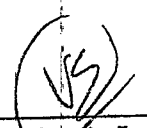
1. Pursuant to A.R.S. §§13-702 and 13-701, each class 5 felony carries a presumptive sentence of 1.5 years; a minimum sentence of .75 year (a mitigated sentence of .5 year); and a maximum sentence of 2 years (an aggravated sentence of 2.5 years).

Pursuant to A.R.S. §13-801, the maximum fine that can be imposed for each felony is \$150,000 plus 83% in surcharges.

Pursuant to A.R.S. §§13-707 and 13-802, a class 2 misdemeanor carries a maximum sentence of 4 months in the Yavapai County Jail and a maximum fine of \$750.00 plus 83% in surcharges. If a fine, penalty or forfeiture is imposed, Defendant must pay a \$20.00 probation surcharge.

Probation is available for a term not to exceed THREE years.

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Defendant's Initials

Restitution of economic loss to the victim(s), **APS, Michael and Tammie Dunn**, or their subrogees (including, but not limited to, the Yavapai County Crime Victim Compensation Fund and/or the victim(s)'s insurance or benefit plan) or any third parties who provided or will provide medical or mental health services to the victim(s), shall be in an amount not to exceed \$50,000.00.

A defendant who is sentenced to prison is eligible to earn a release credit day for every six (6) days served.

If/when Defendant is sentenced to prison, Defendant shall also be sentenced to serve a term of **community supervision** equal to one-seventh of the prison term; this community supervision term shall be served consecutively to the actual period of imprisonment. If Defendant fails to abide by the conditions of community supervision, Defendant can be required to serve the remaining term of community supervision in prison.

Pursuant to A.R.S. §13-610, Defendant shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes.

Special conditions regarding sentence, parole, or commutation, if any: None

2. The parties stipulate to the following additional terms (subject to Court approval at sentencing as set forth in paragraph 8):

Defendant agrees to make a factual basis for the change of plea.


Defendant shall pay a fine of not less than \$750.00 plus 83% in surcharges. If Defendant is required by law to pay a fine as part of the special conditions of sentencing for a particular offense, then the Court shall impose the greater of the fines plus surcharges. The fine and/or surcharges shall not be waived by the Court.

Pursuant to A.R.S. §12-116.09, Defendant shall also pay a \$2.00 victims' rights enforcement fund penalty assessment.

If/When Defendant is sentenced to prison (either at time of sentencing or any probation disposition) and if the Court orders restitution, then the Department of Corrections shall withdraw a minimum of 20%, or the balance owing on the restitution amount, up to a maximum of 50% of the monies available in Defendant's prisoner's spendable account each month to pay the Court ordered restitution.

Pursuant to A.R.S. §13-4436 and/or stipulation of the parties, the Court shall retain jurisdiction to decide any and all victim restitution issues in this matter during any period of probation or imprisonment imposed upon Defendant (or any other constitutionally or statutorily authorized period of time) including the amount of restitution (unless it is already stipulated in this Plea Agreement). For purposes of any restitution hearing, the parties stipulate that the Arizona Rules of Evidence shall not apply to the presentation of evidence to the Court by the State on behalf of the victim(s) or their subrogees (including, but not limited to, the Yavapai County Crime Victim Compensation Fund and/or the victim(s)'s insurance or benefit plan) or any third parties who provided or will provide medical or mental health services to the victim(s). Additionally, the parties stipulate that

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Defendant's Initials

in lieu of victim testimony, the Court may consider written statements or summaries from the victim(s) or estate of the victim(s) concerning restitution. Defendant agrees that the amount of restitution will not be limited by the nature or level of the particular crime(s) pled to above. Defendant agrees to fully repay any third parties who provided or will provide medical or mental health services to the victim(s) arising from defendant's conduct, notwithstanding any agreement between the third party and the victim (or anyone acting on the victim's behalf) that reduced the victim's obligation to repay the full amount of the debt through any agreement. Defendant agrees to pay restitution to the victim(s) of his/her criminal conduct, or their subrogees or any third parties who provided or will provide medical or mental health services to the victim(s) (see above), whether or not they are included in the Indictment/Information or this Plea Agreement. Defendant understands that any restitution shall incur interest at the statutory rate of ten percent (10%) per annum.

Defendant shall not enter or remain in the United States in violation of any federal immigration laws.

3. The following charges are dismissed, or if not yet filed, shall not be brought against Defendant:

Count 2 of the Indictment

Any allegation of prior felony convictions.

4. This Plea Agreement, unless rejected or withdrawn or subsequently set aside in post-conviction proceedings, serves to amend the complaint, indictment, or information to charge the offense to which Defendant pleads, without the filing of any additional pleading. If the Plea Agreement is rejected or withdrawn, or if the conviction is subsequently set aside in post-conviction proceedings, the original charges and any charges that are dismissed by reason of this Plea Agreement are automatically reinstated. Defendant hereby waives any statute of limitations defense as to charges dismissed pursuant to this Plea Agreement.

5. Defendant, by entering this Plea Agreement, hereby waives and gives up her rights to a preliminary hearing or other probable cause determination on the charges to which she pleads. Defendant agrees that this Plea Agreement shall not be binding on the State should Defendant be charged with or commit a crime between the time this Plea Agreement was offered by the State to the Defendant and the time for sentencing in this cause; nor shall this Plea Agreement be binding on the State until the State confirms all representations made by Defendant and her attorney, to-wit: Defendant avows that she has no more than THREE prior felony conviction(s), as follows:

On or about December 18, 2007, in Dane County Circuit Court. Wisconsin, Cause No. 2007CF001310, Defendant was convicted of Injury by Intoxicated Use/Vehicle, a Class F felony, which offense occurred on or about May 5, 2007.

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Defendant's Initials

On or about December 18, 2007, in Dane County Circuit Court, Wisconsin, Cause No. 2007CF001310. Defendant was convicted of 2nd-Degree Recklessly Endangering Safety, a Class G felony, which offense occurred on or about May 5, 2007.

On or about January 23, 1998, in Dane County Circuit Court, Wisconsin, Cause No. 1997CF001942, Defendant was convicted of Hit and Run-Involve Great Bodily Harm, an unclassified felony, which offense occurred on or about September 30, 1997.

Defendant agrees, should it be determined that she has additional felony convictions not listed, to waive double jeopardy to allow the State to withdraw from this Plea Agreement and to reinstatement of the original charges together with the further possibility of an allegation of such prior record, at the discretion of the prosecutor.

Further, Defendant avows to the following Misdemeanor convictions:

On or about December 18, 2007, in Dane County Circuit Court, Wisconsin, Cause No. 2007CT001259, Defendant was convicted of Operating While under Influence (2nd), a misdemeanor, which offense occurred on or about March 30, 2007.


On or about January 23, 1998, in Dane County Circuit Court, Wisconsin, Cause No. 1997CF001942, Defendant was convicted of Hit and Run, a misdemeanor, which offense occurred on or about September 30, 1997.

Defendant avows that all personal identifying information (name, partial social security number, and date of birth) contained in this Plea Agreement is true and correct. Further, Defendant acknowledges that the State has relied on the personal information provided at her arrest before offering this Plea Agreement and understands that if the personal identifying information contained herein is false, the State may withdraw from this Plea Agreement and that she may be subjected to further prosecution for these false statements.

6. Unless this Plea Agreement is rejected or withdrawn, Defendant hereby waives and gives up any and all motions, defenses, objections, or requests which she has made or raised, or could assert hereafter, to the Court's entry of judgment against her and imposition of a sentence upon her consistent with this Plea Agreement. Defendant acknowledges that by entering this Plea Agreement she will have no right of direct appeal (A.R.S. §13-4033).

7. The parties hereto fully and completely understand and agree that by entering into this Plea Agreement, Defendant consents to judicial fact-finding by a preponderance of the evidence as to any aspect or enhancement of sentence, and that any sentence either stipulated to or recommended herein in paragraph 2 is not binding on the Court. In making the sentencing determination, the Court is not bound by the rules of evidence. If, after accepting this Plea Agreement, the Court concludes that any of its provisions regarding the sentence or the term and conditions of probation are inappropriate, it can

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Defendant's Initials

reject the plea, giving the State and Defendant each an opportunity to withdraw from the Plea Agreement. In the event this Plea Agreement is withdrawn, all original charges will be automatically reinstated.

8. The parties hereto fully and completely understand and agree that it is the Court's duty to impose sentence upon Defendant and that any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the Court, and that the Court need not accept either the stipulation or recommendation but is bound only by the limits set forth in paragraph 1 and the applicable statutes.

9. This Plea Agreement in no way prohibits or hinders the State's ability to pursue a civil forfeiture or other property forfeiture or other property forfeiture action pursuant to Titles 13, 28 or other applicable sections of the Arizona Revised Statutes or Federal law.

10. If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation, even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.

I have read and understand the provisions of this Plea Agreement. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading **guilty**, I will be waiving and giving up my right to a trial by jury to determine guilt and to determine any fact used to impose a sentence within the range stated above in paragraph 1, to confront, cross-examine, compel the attendance of witnesses, to present evidence in my behalf, my privilege against self-incrimination and the presumption of innocence. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea bargain, I am granted probation by the Court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph 1.

I have personally and voluntarily placed my initials on each page of this Plea Agreement and I have signed the signature line below to indicate that I have read and approved of all of the previous paragraphs in this Plea Agreement, both individually and as a total binding agreement.

2-4-19
Date


V. Stafford
VANESSA STAFFORD
Defendant

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VS
Defendant's Initials

I have discussed this case with my client in detail and advised my client of her constitutional rights and all possible defenses. I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law.


2-4-19
Date


Adam K. Zickerman
Attorney for Defendant


025660
JCV

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

2-4-19
Date


Patti M. Wortman
Deputy County Attorney

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Defendant's Initials

COPY

SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY
JUDGMENT OF GUILT AND SENTENCE

FILED	✓
Date: MAR - 4 2019	
5 o'clock P.M.	
Donna McQuality, Clerk	
By: J. Malinowski	
Deputy	

PTB March 4, 2019
Div. Date

HON. CHRISTOPHER L. KOTTKE
Judge

Julie Malinowski
Deputy Clerk

V1300CR201880374

STATE OF ARIZONA

Yavapai County Attorney
by: Patti Wortman

- VS

VANESSA SUE STAFFORD
AKA [D-1]
DOB December 20, 1970
Victim Case Yes

Adam Zickerman
Defense Counsel
Debra Upham
Court Reporter

ENTERED

MAR 08 2019

APETS

START TIME: 2:02 p.m.

END TIME: 2:16 p.m.

☒ [X] The victim is not present/has been given the opportunity to submit statements which the Court has reviewed.

SENTENCE – PROBATION [Minute Entry: Sentencing]

IT IS THE JUDGMENT of the Court that Defendant is guilty of the nondangerous, nonrepetitive crime(s) of:

CRIMINAL DAMAGE, a Class 5 FELONY, in violation of A.R.S. §§ 13-1602(A)(1), 13-701, 702 & 801, committed ON OR ABOUT SEPTEMBER 10, 2016

LEAVING THE SCENE OF AN ACCIDENT WITH DAMAGE TO ATTENDED VEHICLE, a Class 2 MISDEMEANOR, in violation of A.R.S. §§ 28-622(A)(1), 13-707 & 13-802, committed ON OR ABOUT SEPTEMBER 10, 2016

The basis of the finding of guilt was by:

☒ [X] Plea of guilty/no contest; after a knowing, voluntary and intelligent waiver of all pertinent rights.

Sentence is suspended and Defendant is placed on **probation** for a period of **THREE (3) YEARS** commencing this date. Defendant shall be screened for and abide by the Mental Health terms and conditions of probation.

<input checked="" type="checkbox"/> [X] County Atty (e)	<input type="checkbox"/> [] Pretrial Services (e)	<input checked="" type="checkbox"/> [X] Def Atty. <u>ZICKERMAN LAW (e)</u>
<input type="checkbox"/> [] AG(e)		<input type="checkbox"/> [] PD (e)
<input checked="" type="checkbox"/> [X] VS (e)		<input type="checkbox"/> [] Other
<input checked="" type="checkbox"/> [X] APD (e)	<input type="checkbox"/> [] DOC (packet)	<input type="checkbox"/> [] Other
<input checked="" type="checkbox"/> [X] YCSO (e)	<input type="checkbox"/> [] YCSO (cert)	<input type="checkbox"/> [] Homeland Security (packet)
<input checked="" type="checkbox"/> [X] Financial Services (e)		<input type="checkbox"/> [] Div.
<input type="checkbox"/> [] YCSO-SOCU (e-mail) (Dispo Screen Complete) ✓		

TOTAL -0-

sen-pro

12/31/2018

Defendant shall:

- ☒ Be incarcerated in the Yavapai County Jail for 120 days commencing upon written request of the Adult Probation Department and further order of the court.
Credit for time served: 0 days

Defendant shall pay the following financial obligations through the Clerk of the Superior Court in Yavapai County this date or as follows:

- ✓ ☒ **Restitution** in the total amount of \$9,647.85 to Michael Dunn and \$21,610.05 to Foremost Insurance. The Court retains jurisdiction over the restitution up to the cap of \$50,000.00. First payments towards restitution shall be paid to Michael Dunn.
- ✓ ☒ **Fine** of \$750 plus surcharge of 10 percent. The remaining 73 percent is waived.
- ✓ ☒ **Public Defender Assessment Fee** [Indigent Assessment Fee] of \$25.
- ✓ ☒ **Probation Services Fee** of \$10 per month commencing April 1, 2019. The Defendant is directed to complete a financial hardship form through the Adult Probation Department.
- ✓ ☒ Pursuant to A.R.S. § 12-116(A), a **Time Payment fee of \$20 shall be assessed in addition to any Court Ordered Drug fines and fees, DUI fines and fees or Restitution if not paid in full this date.**
- ✓ ☒ Pursuant to A.R.S. § 12-116.09(A), a **Victim Rights Enforcement Assessment of \$2 shall be assessed on every fine, penalty and forfeiture imposed.**
- ✓ ☒ Pursuant to A.R.S. §12-114.01, a **Probation Surcharge of \$20 shall be assessed.**
- ☐ Pursuant to A.R.S. §13-804F, restitution shall be joint and several, with any Co-Defendant(s) and shall be reduced by any amounts paid by the Co-Defendant(s).
- ✓ ☒ Pursuant to A.R.S. §12-116.04, a **penalty assessment of \$13 shall be levied.**
- ☐ Pursuant to A.R.S. §12-116.06, an **assessment of \$50 shall be levied.**
- ☐ Pursuant to A.R.S. § 12-116.08(A), a **Victim Rights Assessment of \$9 shall be assessed on every fine, penalty and forfeiture imposed.**
- ☐ Pursuant to A.R.S. § 12-116.10(A), a **\$4 Peace Officer Training Equipment Fund shall be assessed on every fine, penalty and forfeiture imposed for a violation of the motor vehicle statutes (Title 28).**

Financial Obligations in minimum monthly payments of \$90 (exclusive of Probation Services Fee) beginning April 1, 2019.

V1300CR201880374
STATE V VANESSA SUE STAFFORD
SENTENCE OF PROBATION
DATE: March 4, 2019

Defendant shall comply with all other special conditions of probation set forth in the Conditions of Probation signed by the Court and provided to Defendant.

Defendant is provided written Notice of Rights of Post-Conviction Relief.

GRANTED: State's Motion to Dismiss those matters as set forth in the Plea Agreement.

[X] The Defendant is directed to report to the Adult Probation Department within 24 hours.

An abstract of this conviction shall be sent to the Motor Vehicle Division.

The Defendant is advised of his right to apply to have this conviction set aside and civil rights restored upon successful completion of probation. The Court will take into consideration payments made towards restitution.

Case No. V1300CR201880374

STATE v. VANESSA STAFFORD

Defendant's DOB 12/20/1970

Let the record reflect that the Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.



(right index fingerprint)

Signed on the 4th day of March 4, 2019

JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)

COPY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
UNIFORM CONDITIONS OF SUPERVISED PROBATION

STATE OF ARIZONA

COUNTY/DIVISION: Maricopa / PTB

VS.

CR: 301220574

§13-901.01 Offense: ☐ 1st ☐ 2nd ☐ Ineligible

PID#: _____

OFFENSE(S): Criminal Damage C/F, Leaving Vehicle
Accident - C/M

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD),

- ☒ **PLACING** the defendant on probation for a period of 3 ☒ year(s) ☐ month(s) ☐ days ☐ lifetime
- ☒ to begin 3 / 4 / 11 or
- ☐ upon absolute discharge from prison for a separate offense or
- ☐ upon release from prison for felony DUI (____ months; ____ days credit for time served)
- ☐ upon release from prison pursuant to A.R.S. § 13-603(K)
- ☐ **REINSTATING** the defendant on probation for a period of ____ ☐ year(s) ☐ month(s) ☐ days ☐ lifetime
- ☐ to begin ____ / ____ / ____ with a revised expiration date of ____ / ____ / ____.

I AGREE TO THE FOLLOWING AS CONDITIONS OF THE SUSPENSION OF IMPOSITION OR EXECUTION OF SENTENCE: (Conditions Checked Also Apply)

LAW ABIDING BEHAVIOR

1. I will maintain a crime-free lifestyle by obeying all laws, and not engaging or participating in any criminal activity.
2. I will not possess or control any stun guns, tasers, firearms, ammunition, deadly or prohibited weapons as defined in A.R.S. § 13-3101.
3. I will report any contact I have with law enforcement to the APD within 72 (or ____) hours.
4. I will submit to search and seizure of person and property by the APD without a search warrant.
5. If deported or processed through voluntary departure, I will not return to the United States without legal authorization during the term of my probation. If I am deported or processed through voluntary departure, all conditions remain in effect except for ____.

REPORTING TO APD

6. I will report to the APD within 72 (or ____) hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. I will also keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. I will provide a sample for DNA testing if required by law.

RESIDENCE

7. I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.
8. I will request and obtain written permission of the APD prior to leaving the state (☐ county).
9. I may apply for Interstate Compact supervision in the state of _____ and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.
10. I may apply for an Inter-County transfer and will not proceed to that County until APD issues written authorization.

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 2 OF 3

STATE OF ARIZONA

COUNTY/DIVISION: LAVERGNE / PTB

VS. YANESSA EILE STAFFORD

CR: 20180374

TREATMENT/BEHAVIOR CHANGE/PRO-SOCIAL ACTIVITIES

11. I will actively participate and cooperate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
12. I will not possess or use illegal drugs or controlled substances and will submit to drug and alcohol testing as directed by the APD.
13. I will obtain written approval of the APD prior to associating with anyone I know who has a criminal record. I will not knowingly associate with any person engaged in criminal behaviors.
14. I will seek, obtain, and maintain employment, if legally permitted to do so, and/or attend school. I will inform the APD of any changes within 72 hours.
15. I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.
- ☒ 16. I will not consume or possess any substances containing alcohol.

SPECIAL REQUIREMENTS

- ☐ 17. I will complete a total of _____ hours of community restitution. I will complete a set number of hours per month as directed in writing by my probation officer. I will complete these hours at a site approved by the APD.
- ☐ 18. I will serve _____ ☐ days ☐ month(s), in the county jail beginning ____/____/____ with credit for _____ days served, ☐ not to be released until ____/____/____. I will report to the APD within 72 (or _____) hours of my release from jail. I will comply with all program rules.
☐ Be screened for or ☐ shall participate in Work Furlough, if eligible or ☐ Work Release, if eligible
- ☒ 19. I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
- ☒ 20. I will comply with the following sanctions based on my behavior:
☒ Up to 100 community restitution hours (in addition to any ordered under condition #17), as directed by the APD.
☒ Up to 100 days in the county jail (in addition to any ordered under condition #18), at the discretion of the Court, upon recommendation from the APD.
- ☒ 21. I will abide by the attached special conditions of probation:

<input type="checkbox"/> Intensive Probation	<input type="checkbox"/> Sex Offender	<input type="checkbox"/> Gang
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Drug Court	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Mental Health	<input type="checkbox"/> DUI Court/Program	
- ☒ 22. Subject State

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 3 OF 3

STATE OF ARIZONA

COUNTY/DIVISION: Maricopa / MTB

VS. Vanessa Sue Stafford VECR CR: 201880374

Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.

Judge of the Superior Court

Date

RECEIPT AND ACKNOWLEDGMENT: I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law. In addition, I waive extradition for any probation revocation proceedings in this matter.

V. Stafford 3-4-19
Defendant Date

831 E. Mangos Ave #312 Glendale AZ 86326 5602
Defendant's Address Apt. City State Zip Phone

White (Original) – Court Yellow – APD Pink – Defendant

T. DAVIS

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED 11:13 O'Clock 11.M.

JAN 25 2022

STATE OF ARIZONA
vs.

VANESSA SUE STAFFORD

) CAUSE NO. V1300CR201880374
) DIVISION 3
) ORDER:
) TO EXTEND PROBATION TERM

DONNA McQUALITY, Clerk
By: B. CHAMBERLAIN

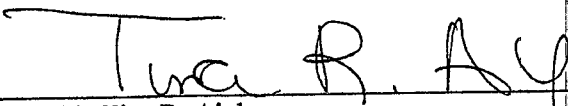
It appearing to the Court that Restitution for any economic loss related to the defendant's offense of Criminal Damage, a class 5 felony, has not been satisfied, therefore, pursuant to the request of the Yavapai County Adult Probation Department:

☒ IT IS ORDERED, pursuant to A.R.S. §13-902(C), that the defendant's probation term is extended for 5 years, to expire 3/2/27. The defendant has received notice, been advised, and waives their right to an attorney, right to a hearing, and is in agreement with the extension of the probation term. IT IS FURTHER ORDERED, that the outstanding balance of \$29,155.96 be paid in monthly installments of \$90.00 commencing 2/1, 2022 until paid in full. Payments will be made to the Clerk of the Superior Court in Yavapai County.

☐ That a hearing be held regarding the extension of the defendant's probation term and outstanding Restitution balance on _____, 20____, at _____ in Yavapai County Superior Court, Division ____.

☐ That the defendant's monthly Probation Services Fee be modified to _____ pursuant to A.R.S. §§13-901 and 13-914, payable to the Clerk of the Superior Court in Yavapai County and due on the first day of each month during the extended term of probation.

DATED this 24 day of January 2022


Honorable Tina R. Ainley
Judge of the Superior Court, Division 3

I have had explained to me, fully understand, and received notice of this petition and order extending the term of my probation. I agree to the extension in accordance with A.R.S. §13-902(C).

Probationer Signature

Date

Probation Officer Signature

Date

☒ County Atty (e) ☒ Def Atty proper
☒ Victim Witness (e)
☒ APD (e) ☐ YSCO/Jail ☐ YSCO/Warrant
☐ DOC ☐ Div _____ w/file TOTAL: 1
☐ Other _____ ☐ Other _____
☐ Dispo. Clk. w/file ☒ Obligations (e)

DONNA McQUALITY
CLERK, SUPERIOR COURT
01/25/2022 12:30PM
BY: KLANE
DEPUTY

B1 p.2

#1

Judge Tina Ainsley
120 S. Cortez St.
Prescott, AZ 86313

Vanessa Stafford
831 E. Marcus Ave #812
Cottonwood AZ 86326

RE: Case No. V1300CR 201880374
DR V16003853

Honorable Tina P. Ainsley,
I, Vanessa Stafford, respectfully
request a hearing be held in the
matter of my probation extension.
My current address is above
and I am also requesting a
public defender. My current
phone number is 928-750-5602.

Thank you,
Vanessa Stafford

CC:

Yavapai County Attorney's Office ✓
APD (Camp Verde Marshall's office) ✓
Victim Services ✓
Obligations ✓
Dispo Clerk ✓
Adam Zickerman ✓
David Loder ✓
Tari Davis (Probation)

B1 p.3

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DONNA McQUALITY
CLERK, SUPERIOR COURT
03/30/2022 10:01AM
BY: KLANE
DEPUTY

DIVISION 3

DONNA McQUALITY, CLERK

HON. TINA R. AINLEY

BY: S. SLOTTERBACK, DEPUTY

CASE NO. V1300CR201880374

DATE: MARCH 28, 2022

TITLE:

COUNSEL:

STATE OF ARIZONA,

Henry Whitmer

YAVAPAI COUNTY ATTORNEY (e)

Plaintiff

(For Plaintiff)

-vs-

VANESSA SUE STAFFORD,

Ruth Szanto

YAVAPAI COUNTY PUBLIC DEFENDER (e)

Defendant

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Petition to Extend Probation

FTR GOLD

START TIME: 02:10 p.m.

APPEARANCES: Henry Whitmer, Counsel for the State, Video (T.E.A.M.S.)

Vanessa Sue Stafford, Defendant

Ruth Szanto, Counsel for the Defendant

This is the date and time set for a Hearing on Petition to Extend Probation Regarding Restitution.

Counsel present arguments.

The Court **FINDS** the Defendant was placed on three years of Supervised probation on March 4, 2019 and was required to pay restitution in two different amounts to Michael Dunn and to Foremost Insurance and no challenge has been had to that, therefore the Court extends the Defendant's probation for the payment of restitution for an initial term of five years.

The Court directs the Defendant to discuss this matter further with her attorney if she wishes to challenge this decision or the decision of the initial restitution amount.

IT IS ORDERED:

- **Extending** the Defendant's probation for five (5) years to expire on March 2, 2027.
- Defendant shall make payment installments of \$90.00 a month beginning April 1, 2022 until paid in full.

Tina R. Ainley
eSigned by Ainley, Tina 03/30/2022 09:09:11 PST

JUDGE OF THE SUPERIOR COURT

END TIME: 02:16 p.m.

c: Division 3 (e)
Victim Services (e)
APD (e)
Financial Services (e)

B1 p.4

**SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY
JUDGMENT OF GUILT AND SENTENCE**

FILED
DONNA McQUALITY
CLERK, SUPERIOR COURT
12/01/2022 10:05AM
BY: KLANE
DEPUTY

3 November 18, 2022
Div. Date

TINA R. AINLEY
Judge

K. BICKEL
Deputy Clerk

V1300CR201880374

STATE OF ARIZONA
VS

Yavapai County Attorney
by: Kellen Marlow

VANESSA SUE STAFFORD
AKA _____ [D-1]
DOB 12/20/1970
Victim Case YES

John Hollis
Defense Counsel
FTR Gold
Court Reporter

START TIME: 3:49 p.m.

END TIME: 3:57 p.m.

DISPOSITION HEARING [Minute Entry: Disposition]

☒ The Court has reviewed the Minute Entry from the Violation Hearing.

IT IS THE JUDGMENT OF THE COURT that Defendant violated the conditions of probation previously granted in **V1300CR201880374**.

CRIMINAL DAMAGE, a Class 5 felony, in violation of A.R.S. §§13-1602(A)(1), 701, 702, 801, committed September 10, 2016.

The determination of probation violation was based on:

☒ a finding by the Court.

IT IS ORDERED:

Defendant's probation is revoked.

Defendant is sentenced to a term of incarceration as follows:

☒ Be incarcerated in the Yavapai County Jail for
120 days commencing this date.
Credit for time served: 12 days

☒ County Atty (e)

☐ Def Atty. _____ ☐ Courtesy Copy

☐ AG(e)

☐ Pretrial Services (e)

☒ PD (e)

☒ VS (e)

☐ Other _____

☒ APD (e)

☐ DOC Transport (e)

☐ Other _____

☒ YCSO (e)

☐ Homeland Security (packet)

☒ Financial Services (e)

☒ Div. 3 (e)

☐ YCSO-SOCU (e-mail)

(Dispo Screen Complete ☒) (Dispo Report Complete ☐)

TOTAL 0

dispo-incar

10/13/2022

1063

Defendant shall pay the following financial obligations through the Clerk of the Superior Court in Yavapai County this date or as follows:

- ☒ **Public Defender assessment fee** [Indigent Assessment Fee] of \$25 which will be added to the balance of Restitution. A judgment will issue for that amount.
- ☐ Pursuant to A.R.S. § 12-116(A), a Time Payment fee of \$20 shall be assessed in addition to any Court Ordered Drug fines and fees, DUI fines and fees or Restitution if not paid in full this date.
- ☐ Pursuant to A.R.S. § 12-116.09(A), a Victim Rights Enforcement Assessment of \$2 shall be assessed on every fine, penalty and forfeiture imposed.
- ☐ Pursuant to A.R.S. §12-114.01, a Probation Assessment of \$20 shall be assessed.
- ☐ Pursuant to A.R.S. §13-804F, restitution shall be joint and several, with any Co-Defendant(s) and shall be reduced by any amounts paid by the Co-Defendant(s).
- ☐ Pursuant to A.R.S. §12-116.04, a penalty assessment of \$13 shall be levied.
- ☐ Pursuant to A.R.S. §12-116.06, an assessment of \$50 shall be levied.
- ☐ Pursuant to A.R.S. § 12-116.08(A), a Victim Rights Assessment of \$9 shall be assessed on every fine, penalty and forfeiture imposed.
- ☐ Pursuant to A.R.S. § 12-116.10(A), a \$4 Peace Officer Training Equipment Fund shall be assessed on every fine, penalty and forfeiture imposed for a violation of the motor vehicle statutes (Title 28).

Defendant is provided written Notice of Rights of Post-Conviction Relief. The Defendant is advised that if he/she cannot afford copies of the necessary records, they will be provided at no cost.

- ☒ The Defendant is remanded to the custody of the Sheriff.
- ☒ Any Bond not previously forfeited or pending forfeiture proceedings is exonerated. **[AE]**

THEREAFTER off the record Financial Obligations in minimum monthly payments of \$90.00 (exclusive of Probation Service Fee) beginning the first day of the month, 60 days after release from custody.

V1300CR201880374
STATE V VANESSA SUE STAFFORD
PROBATION REVOCATION - INCARCERATION

P1300CR

V1300CR

STATE V *Vanessa Stafford*
DISPOSITION AND SENTENCING

[] Any Bond not previously forfeited or pending forfeiture proceedings is exonerated. [AE]

Defendant's fingerprint is permanently affixed to this Disposition / Sentencing Order in open Court.

Tina B. Ang
eSigned by Ainley, Tina 11/30/2022 16:08:18 uHAYPop

JUDGE OF THE SUPERIOR COURT

Right Index Finger



Fingerprint

B2

3063

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-23-0179-PR
Respondent,)	
	)	Court of Appeals
v.	)	Division Two
	)	No. 2 CA-CR 23-0045 PRPC
VANESSA SUE STAFFORD,)	
	)	Yavapai County
Petitioner.	)	Superior Court
	)	No. V1300CR201880374
)

FILED 7/19/2023

O R D E R

The court of appeals issued its decision in this matter on March 30, 2023 and issued the mandate on May 30, 2023. Petitioner Stafford filed a petition for review on July 14, 2023. Under the Arizona Rules of Civil Appellate Procedure 23(b)(2)(A), a petitioner must file a petition for review within 30 days of the court of appeals' memorandum decision or seek an extension before the expiration of the 30-day period. Accordingly,

IT IS ORDERED dismissing the petition for review as untimely.

DATED this 19th day of July, 2023.

/s/
WILLIAM G. MONTGOMERY
Duty Justice

TO:
Alice Jones
Ethan A Wolfinger
Vanessa Stafford
Beth C Beckmann
sb

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, <p align="center">Plaintiff,</p> <p align="center">-vs-</p> VANESSA SUE STAFFORD, <p align="center">Defendant.</p>	Case No. V1300CR201880374 <p align="center">ORDER DISMISSING SUCCESSIVE NOTICE REQUESTING POST- CONVICTION RELIEF</p>	<p align="center">FILED</p> DATE: <u>JUL 14 2022</u> <u>4:45</u> O'Clock <u>P.</u> M. DONNA MCQUALITY, CLERK BY: <u>J. HARSHMAN</u> Deputy
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HONORABLE MICHAEL R. BLUFF DIVISION 7	BY: Dianne Jordahl Judicial Assistant DATE: July 14, 2022
--	---

The Court has received and considered Defendant's 2nd untimely Notice Requesting Post-Conviction Relief filed June 9, 2022 and seeking relief under Rule 33.1(a), (e) & (h). The Court conducted an informal conference pursuant to Rule 33.12 to clarify certain issues. The Court was advised by Defendant's Probation Officer that he had spoken to her about the conference and she advised she would not be appearing. In fact, Defendant did not appear for the conference.

To adequately explain the Court's reasoning for summarily dismissing this 2nd untimely Notice, a detailed history of the case is necessary.

Background

Defendant was indicted in August 2018 on two counts of criminal damage, both class 4 felonies, and one count of leaving the scene of an accident, a class 2 misdemeanor. The charges stem from a vehicle accident in September 2016 in which Defendant's vehicle crashed into a residential yard damaging property owned by Michael Dunn and Arizona Public Service.

On January 25, 2019, the State filed a *Statement of Victim Financial Loss* seeking victim restitution totaling \$31,257.90 (\$9,647.85 to Michael Dunn and \$21,610.05 to his insurance company, Foremost Insurance Group).

On February 4, 2019, Defendant plead guilty to Criminal Damage (Class 5 Felony) and Leaving the Scene of an Accident (Class 2 Misd.). The plea agreement included a provision for victim restitution to both Michael Dunn and/or his subrogee in an amount not to exceed \$50,000. The transcript from the Change of Plea hearing shows Defendant was advised of the restitution claims and the fact that it would be part of the judgement and sentence order. The Presentence Report also included information that Michael Dunn and Foremost Insurance Group were seeking victim restitution in the amount of \$9,647.85 and \$21,610.05 respectively.

On March 4, 2019, the Court suspended Defendant's sentence and placed her on (3) three years supervised probation. The sentencing order included victim restitution of \$9,647.85 to Michael Dunn and \$21,610.05 to Foremost Insurance. The Court retained jurisdiction to order additional restitution.

Throughout her three-year probationary period, Defendant paid just over \$2,000 in victim restitution. In January 2022, the Probation Department petitioned the Court to extend Defendant's probation on the felony charge for an additional 5 years due to the unpaid victim restitution. On January 25, 2022, the Court signed an order extending Defendant's probation for an additional 5 years on the felony charge and terminated her misdemeanor probation.

Several months later, the Court received a hand-written letter from the Defendant requesting a hearing on her extended probation term. Judge Tina Ainley set a hearing for March 28, 2022 and appointed counsel for that limited purpose. Following the hearing, Judge Ainley confirmed her previous order extending Defendant's probation for 5 years and ordered her to make payments of \$90 per month.

Defendant filed her first petition for post-conviction relief on May 2, 2022. The Court dismissed the petition because a Notice had not been filed. See Ruling dated May 11, 2022. A subsequent Notice and Petition were filed on May 23, 2022. That Notice was summarily dismissed for the reasons set forth in the Ruling dated May 31, 2022. Before the Court is Defendant's successive *Notice Requesting Post-Conviction Relief* filed June 9th 2022.

Pending June 9th Notice For Post-Conviction Relief

Defendant's complaint centers on the victim restitution ordered by the Court. She does not challenge the judgment of guilt or the suspension of her sentence. She objects to the restitution being ordered and believes the victim should be charged with insurance fraud.

1) Rule 33.1(a) Claim:

Defendant reiterates that her claim under 33.1(a) is made within 90 days after oral pronouncement of sentence. According to her Notice, she believes the last oral pronouncement of sentence occurred on March 28, 2022 when Judge Ainley affirmed her order extending Defendant's probation.

Defendant is mistaken. Pronouncement of sentence occurred on March 4, 2019 when Defendant's prison sentence was suspended and she was placed on probation. See State v. Whitman, 234 Ariz. 565 (2014). A second pronouncement of sentence did not occur on March 28, 2022 as Defendant claims. There is only one pronouncement of sentence in this case and that occurred on March 4, 2019. As a result, the pending 2nd Notice, similar to the 1st Notice, is untimely.

Nevertheless, pursuant to Rule 33.4(b)(3)(D), the Court must excuse an untimely notice for a Rule 33.1(a) type claim if the defendant adequately explains why the failure to timely file a notice was not her fault. Again, Defendant has not explained why she waited over three years to challenge the victim's restitution claim.

Defendant suggests her lawyer(s) never looked at the police reports and as a result, the lawyers were ineffective. However, Defendant knew of the victim restitution claims being made. It was discussed during the February 4, 2019 Settlement Conference and subsequent Change of Plea proceeding. Defendant was also present during sentencing where the judge ordered the victim restitution. In short, Defendant knew of the restitution amounts in 2019. If she believed the amounts were incorrect and that her lawyers failed to adequately challenge the amounts, her claim of ineffective assistance of counsel was ripe then, not three years later.

2) Rule 33.1(e) and (h) Claims:

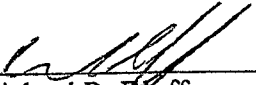
Claims falling under Rule 33.1(b) through (h) must be made within a reasonable time after discovering the basis for the claim. Here again, Defendant does not indicate when she discovered the basis for the claim. The Court can only assume that it was on March 28, 2022 when Judge Ainley conducted a hearing at Defendant's request to discuss the extension of her probation. But the restitution amount had been ordered in 2019 as part of the judgement and sentencing order, not in 2022 when her probation was extended.

Moreover, Rule 33.2(b)(1) provides that when a defendant raises a claim that falls under Rule 33.1(b) through (h) in an untimely notice, defendant must explain the reasons for not raising the claim in a timely manner. If sufficient reasons are not provided, the Court may summarily dismiss the notice. Defendant has not provided any reasons why her challenge to the restitution amount could not have been raised at sentencing or immediately thereafter. Therefore,

IT IS ORDERED dismissing Defendant's successive *Notice of Post-Conviction Relief* and the accompanying *Petition*.

NOTE: If Defendant disagrees with this Court's ruling, she may file a *Petition for Review* with the Court of Appeals within 30 days of this decision pursuant to Rule 33.16 of the Arizona Rules of Criminal Procedure. A *Petition for Review* is filed with the Court of Appeals, not this trial court.

DATED this 14 day of July 2022.



Hon. Michael R. Bluff

cc: County Attorney (e)
Vanessa S. Stafford, 831 E. Mingus Ave., #312, Cottonwood, AZ 86326
VS (e)
APD – Attn: Tai Davis (e)
PCR Clerk (e)

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, -vs- VANESSA SUE STAFFORD, Defendant.	Case No. V1300CR201880374 ORDER DISMISSING SUCCESSIVE NOTICE REQUESTING POST- CONVICTION RELIEF	FILED DATE: SEP 23 2022 1:35 P.M. DONNA MCQUALITY, CLERK BY: J. HARSHMAN Deputy
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HONORABLE MICHAEL R. BLUFF
DIVISION 7

BY: Diann Jordahl
Judicial Assistant

DATE: September 22, 2022

The Court has received and considered Defendant's 3rd untimely Notice Requesting Post-Conviction Relief filed September 8, 2022 seeking relief under Rule 33.1(a), (c), (e) & (h). For the reasons explained below, the Notice is dismissed.

In a July 14, 2022, ruling denying Defendant's previous *Notice Requesting Post-Conviction Relief*, the Court provided a detailed procedural history of this case that will not be repeated here.

1) Rule 33.1(a) Claim:

Defendant claims she received ineffective assistance of Rule 33 counsel in her first post-conviction proceeding.

In May 2022, Defendant filed a *Pro Se Petition for Post-Conviction Relief* which was summarily dismissed because it was not preceded by the required Notice. (See Ruling filed May 11, 2022). Defendant immediately filed her 1st Notice and Petition on May 23, 2022. The Court summarily dismissed the Notice and did not consider the Petition for the reasons explained in its May 31, 2022, Ruling. A month later, Defendant filed her 2nd Notice and Petition. After Defendant refused to attend an Informal Conference, the Court dismissed her 2nd Notice in a detailed ruling dated July 14, 2022.

Throughout Defendant's PCR proceedings, she had not been appointed counsel because the proceedings never progressed past the Notice stage. As a result, there can be no claim of ineffective assistance of PCR counsel.

In addition, Defendant is not claiming ineffective assistance of trial counsel related to the acceptance or validity of the plea agreement or her original sentence. Therefore, as a pleading defendant, she has waived all non-jurisdictional defects and defenses, including claims of ineffective assistance of counsel. See Comment to Rule 33.2(a)(1).


Finally, assuming the claim is not precluded, Rule 33.4(b)(3)(D) requires the Court to excuse an untimely notice for a Rule 33.1(a) type claim if the defendant adequately explains why the failure to timely file a notice was not her fault. Defendant has not explained why she waited over three years to claim her trial attorney was ineffective.

2) Rule 33.1 (e), (e) and (h) Claims:

Claims falling under Rule 33.1(b) through (h) must be made within a reasonable time after discovering the basis for the claim. Defendant does not indicate when she discovered the basis for these claims. In addition, Rule 33.2(b)(1) provides that when a defendant raises a claim that falls under Rule 33.1(b) through (h) in an untimely notice, defendant must explain the reasons for not raising the claim in a timely manner. If sufficient reasons are not provided, the Court may summarily dismiss the notice. Defendant has not provided any reasons why these claims could not have been raised in a timely Notice.

IT IS ORDERED dismissing Defendant's successive *Notice of Post-Conviction Relief* and the accompanying *Petition*.

DATED this 22 day of September 2022.


Hon. Michael R. Bluff

cc: County Attorney (e)
Vanessa S. Stafford, 831 E. Mingus Ave., #312, Cottonwood, AZ 86326
VS (e)
APD – Attn: Tai Davis (e)
PCR Clerk (e)

my original for USBC

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, -vs- VANESSA SUE STAFFORD, Defendant.	Case No. V1300CR201880374 RULING DENYING MOTION FOR NEW PCR COUNSEL	FILED DATE: MAY 03 2023 11:50 O'Clock A.M. DONNA MCQUALITY, CLERK BY: J HARSHMAN Deputy
--	---	---

HONORABLE MICHAEL R. BLUFF

BY: Y. Juarez
Judicial Assistant

DIVISION 7

DATE: May 2, 2023

The same day the Court issued its April 21, 2023 *Order Re: Rule 32 PCR Proceeding* granting counsel's *Motion to Withdraw* and setting a 30 day deadline for the filing of a new *Petition for Post-Conviction Relief*, Defendant filed a *Marsden Motion/To Get a New Lawyer for PCR*.

For the reasons stated in the Court's April 21st order, Defendant's motion for new PCR counsel is **DENIED**.

Defendant is further reminded that if a new *Petition for Post-Conviction Relief* is not filed by Monday, May 22, 2023, these proceedings will be summarily dismissed. Any request to extend the May 22nd deadline must be made prior to that date.

DATED this 2 day of May 2023.


Hon. Michael R. Bluff

cc: Ethan Wolfinger, Yavapai County Attorney's Office (e)
Vanessa S. Stafford, 831 E. Mingus Ave., #312, Cottonwood, AZ 86326
Public Defender's Office (*courtesy copy*) (e)
PCR Clerk (e)
VS (e)

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, -vs- VANESSA SUE STAFFORD, Defendant.	Case No. V1300CR201880374 RULING GRANTING REQUEST FOR COURT RECORD	FILED MAY 04 2023 DATE: <u>3:50</u> O'Clock <u>P</u> .M. DONNA MCQUALITY, CLERK BY: <u>J HARSHMAN</u> Deputy
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HONORABLE MICHAEL R. BLUFF

BY: Y. Juarez
Judicial Assistant

DIVISION 7

DATE: May 4, 2023

In response to Defendant's motion for court records,

IT IS ORDERED directing the Clerk to furnish Defendant with the "presumptive record" from December 1, 2022 to the present.

IT IS FURTHER ORDERED directing the Clerk to furnish Defendant with copies of the following documents:

- 1) Transcripts from Oct. 3, 2022 Violation Hearing (filed 02/23/23),
- 2) Transcripts from the Nov. 18, 2022 Disposition Hearing (filed 02/23/23),
- 3) Order/Notice forwarding Motions to State (filed 03/01/23),
- 4) Court of Appeals Transfer Order (filed 03/02/23),
- 5) Order/Notice forwarding Pleadings to PCR Counsel (filed 03/03/23),
- 6) Order/Ruling Denying Motions (filed 03/30/23),
- 7) Court of Appeals Mandate (filed 03/30/23),
- 8) Order Setting Informal Conference (filed 04/14/23),
- 9) Minute Entry Informal Conference (filed 04/20/23),
- 10) Order RE: PCR Proceedings, Withdraw Counsel (filed 04/21/23)

Defendant is no longer represented by counsel. Therefore, the Court will send all future documents to Defendant's address at 831 E. Mingus Ave., #312, Cottonwood, AZ. Defendant is advised to keep her address current with the Clerk of the Court.

Defendant is reminded that the current deadline for filing a pro se Petition for Post-Conviction Relief is May 22, 2023. Any request to extend the deadline must be filed with the Clerk of the Court **prior** to that date.

cc: Ethan Wolfinger, Yavapai County Attorney's Office (e)
Vanessa S. Stafford, 831 E. Mingus Ave., #312, Cottonwood, AZ 86326
Public Defender's Office (courtesy copy) (e)
PCR Clerk (e), VS (e)

E 31 B

**Additional material
from this filing is
available in the
Clerk's Office.**