



Supreme Court

STATE OF ARIZONA

ROBERT BRUTINEL
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

TRACIE K. LINDEMAN
Clerk of the Court

October 10, 2023

RE: STATE OF ARIZONA v ALPHEUS ELITE HAMILTON

Arizona Supreme Court No. CR-23-0112-PR
Court of Appeals, Division One No. 1 CA-CR 22-0513 PRPC
Maricopa County Superior Court No. CR2014-132517-001

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on October 10, 2023, in regard to the above-referenced cause:

ORDERED: Petition for Review = DENIED.

A panel composed of Chief Justice Brutinel, Vice Chief Justice Timmer, Justice Bolick and Justice King participated in the determination of this matter.

Tracie K. Lindeman, Clerk

TO:

Alice Jones

Philip D Garrow

Alpheus Elite Hamilton, ADOC 308577, Arizona State Prison,
Florence - Eyman Complex-Meadows Unit

Amy M Wood

sb

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

ALPHEUS ELITE HAMILTON, *Petitioner*.

No. 1 CA-CR 22-0513 PRPC
FILED 4-20-2023

Petition for Review from the Superior Court in Maricopa County
No. CR2014-132517-001
The Honorable David J. Palmer, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Krista Wood
Counsel for Respondent

Alpheus Elite Hamilton, Florence
Petitioner

MEMORANDUM DECISION

Vice Chief Judge David B. Gass, Judge Brian Y. Furuya, and Judge Andrew M. Jacobs delivered the decision of the court.

STATE v. HAMILTON
Decision of the Court

PER CURIAM:

¶1 Petitioner Alpheus Elite Hamilton seeks review of the superior court's order denying his petition for post-conviction relief. This is petitioner's second petition.

¶2 Absent an abuse of discretion or error of law, this court will not disturb a superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 577, ¶ 19, 278 P.3d 1276, 1280 (2012). It is petitioner's burden to show that the superior court abused its discretion by denying the petition for post-conviction relief. *See State v. Poblete*, 227 Ariz. 537, ¶ 1, 260 P.3d 1102, 1103 (App. 2011) (petitioner has burden of establishing abuse of discretion on review).

¶3 We have reviewed the record in this matter, the superior court's order denying the petition for post-conviction relief, and the petition for review. We find that petitioner has not established an abuse of discretion.

¶4 We grant review and deny relief.



AMY M. WOOD • Clerk of the Court
FILED: AA



AMY M. WOOD
CLERK OF THE COURT

Court of Appeals

STATE OF ARIZONA
DIVISION ONE
STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

Phone: (602) 452-6700

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November 6, 2023

Jeff Fine, Clerk
Maricopa County Superior Court
201 West Jefferson Street
Phoenix, Arizona 85003

Dear Mr. Fine:

RE: 1 CA-CR 22-0513 PRPC

STATE v. HAMILTON
Maricopa County Superior Court
CR2014-132517-001

The following are attached in the above entitled and numbered cause:

Original MANDATE
Copy of MEMORANDUM DECISION

The following items are not available for electronic transmittal and will be physically transmitted to your Court.

Physical Exhibits:
Hearing Date: 01/14/2016 List # 1 2 3 in manila envelope
Hearing Date: 01/19/2016 List # 1 3 4 5 6 7 15 in manila envelope

If digital exhibits were submitted through the Arizona digital exhibit portal in this case, access to those exhibits by the Court of Appeals will be removed by the Superior Court pursuant to ARCAP Rule 24(c).

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 11/6/23
AMY M. WOOD,
CLERK
BY: AA

STATE OF ARIZONA,) Court of Appeals
) Division One
Respondent,) No. 1 CA-CR 22-0513 PRPC
)
v.) Maricopa County
) Superior Court
ALPHEUS ELITE HAMILTON,) No. CR2014-132517-001
)
Petitioner.)
)
)
)

MANDATE

TO: The Maricopa County Superior Court and the Honorable Colleen L French, Commissioner, David J Palmer, Judge, in relation to Cause No. CR2014-132517-001.

This cause was brought before Division One of the Court of Appeals in the manner prescribed by law. This Court rendered its MEMORANDUM DECISION and caused the same to be filed on April 20, 2023.

The time for the filing of a motion for reconsideration has expired and no motion was filed. A petition for review was filed. By order, dated October 10, 2023, the Arizona Supreme Court denied the petition for review. Arizona Supreme Court No. CR-23-0112-PR.

NOW, THEREFORE, YOU ARE COMMANDED to conduct such proceedings as required to comply with the MEMORANDUM DECISION of this court; a copy of which is attached hereto.

I, Amy M. Wood, Clerk of the Court of Appeals, Division One, hereby certify the attachment to be a full and accurate copy of the MEMORANDUM DECISION filed in this cause on April 20, 2023.

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the Arizona Court of Appeals, Division One, on November 6, 2023.



AMY M. WOOD, CLERK
By ama
Deputy Clerk

Appendix B

Decision of State Trial Court

Appendix A

Decision of State Court of Appeals

Appendix C

Decision of State Supreme Court Denying Review