

2018 WL 3202762

Only the Westlaw citation is currently available.

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NOT FOR PUBLICATION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).
Court of Appeals of Arizona,
Division 2.

THE STATE OF ARIZONA, Respondent,

v.

ARVEL CHARLES HINES, Petitioner.

No. 2 CA-CR 2018-0084-PR

|
Filed June 29, 2018Petition for Review from the Superior Court in Yavapai
County

Nos. V1300CR820090385 and V1300CR201680125

The Honorable [Michael R. Bluff](#), Judge**REVIEW GRANTED; RELIEF DENIED****Attorneys and Law Firms**

[Sheila Polk](#), Yavapai County Attorney By [Patti M.
Wortman](#), Supervising Deputy County Attorney, Camp
Verde Counsel for Respondent

Arvel Hines, Douglas In Propria Persona

Presiding Judge [Staring](#) authored the decision of the
Court, in which Chief Judge [Eckerstrom](#) and Judge
[Brearcliffe](#) concurred.

MEMORANDUM DECISION**STARING**, Presiding Judge:

*1 ¶1 Arvel Hines seeks review of the trial court's order
summarily denying his petition for post-conviction relief
filed pursuant to Rule 32, Ariz. R. Crim. P. We will not
disturb that order unless the court abused its discretion.
See *State v. Roseberry*, 237 Ariz. 507, ¶7 (2015). Hines has
not shown such abuse here.

¶2 In 2009, Hines pled guilty to aggravated **driving** under
the **influence**, endangerment, and child abuse. The trial
court sentenced him to concurrent prison terms for **driving**
under the **influence** and endangerment, the longer of which
was 4.5 years. For child abuse, the court suspended the
imposition of sentence and placed Hines on a four-year
term of intensive probation.

¶3 In 2016, Hines pled guilty to aggravated driving with
a blood alcohol concentration of .15 or greater. As a
result, the trial court revoked Hines's probation. The
court imposed a 2.5-year prison term for child abuse, to
be followed by a seven-year prison term for aggravated
driving with a blood alcohol concentration of .15 or
greater.

¶4 Hines filed a notice of post-conviction relief, and
appointed counsel filed a notice stating he had reviewed
the record in both cause numbers but found no claims to
raise pursuant to Rule 32. Hines then filed a pro se petition
arguing the state had violated the Equal Protection Clause
by withdrawing a plea offer and his counsel had been
ineffective in failing to “secure” that offer before it was
withdrawn. The trial court summarily denied relief, and
this petition for review followed.

¶5 On review, Hines repeats his claim that the state
violated the Equal Protection Clause by withdrawing
its first plea offer.¹ But, even if this claim had merit,
Hines waived it by pleading guilty. “By entering a guilty
plea, a defendant waives all non-jurisdictional defects and
defenses.” *State v. Leyva*, 241 Ariz. 521, ¶18 (App. 2017),
quoting *State v. Banda*, 232 Ariz. 582, ¶12 (App. 2013).
Hines also asserts, for the first time on review, that his
aggregate sentence is excessive. We do not address claims
not raised below. See *State v. Fowler*, 156 Ariz. 408, 414
(App. 1987).

¶6 We grant review but deny relief.

All Citations

Not Reported in P.3d, 2018 WL 3202762

Footnotes

1 Hines does not assert on review that the trial court erred by rejecting his claim of ineffective assistance of counsel.

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