

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-12-0124-PR
 Respondent,)
) Court of Appeals
 v.) Division Two
) No. 2 CA-CR 11-0364 PRPC
 EDUARDO VASQUEZ CELAYA,)
) Pima County
 Petitioner.) Superior Court
) No. CR20063527
 _____) **FILED 01/09/2013**

ORDER GRANTING REVIEW AND REMANDING TO THE SUPERIOR COURT

On May 27, 2011, petitioner Celaya filed a petition for post-conviction relief. On September 29, 2011, the trial court issued a ruling summarily dismissing the petition for post-conviction relief. On March 6, 2012, the Court of Appeals issued a Memorandum Decision granting review but denying relief. Petitioner filed a Petition for Review to this Court. Upon consideration, petitioner having stated a colorable claim as to both issues of the Petition for Review,

IT IS ORDERED granting the Petition for Review as to Issues A and B.

IT IS FURTHER ORDERED reversing the summary dismissal of the petition for post-conviction relief and vacating the Memorandum Decision of the Court of Appeals. The matter is remanded to the Superior Court, which shall hold an evidentiary hearing to consider evidence on the above-described two claims

under Rule 32.8 and issue a new ruling on the petition for post-conviction relief.

DATED this _____ day of January, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:

Kent E. Cattani

Jacob R. Lines

Harold L. Higgins, Jr.

Eduardo Vasquez Celaya, ADOC #222768,

Arizona State Prison, Tucson - Rincon Unit

Hon. Sarah R. Simmons, Presiding Judge,

Pima County Superior Court

Hon. Richard D. Nichols, Criminal Presiding Judge,

Pima County Superior Court

K. Kent Batty, Court Administrator,

Pima County Superior Court

Patricia Noland, Clerk, Pima County Superior Court

Jeffrey P. Handler, Clerk, Court of Appeals,

Division Two, Tucson

ph