

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Respondent*,

*v.*

MARTIN RICHARD APODACCA, *Petitioner*.

No. 1 CA-CR 22-0214 PRPC  
FILED 12-15-2022

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Petition for Review from the Superior Court in Maricopa County  
No. CR2011-007703-003  
The Honorable Pamela S. Gates, Judge

**REVIEW GRANTED; RELIEF DENIED**

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APPEARANCES

Maricopa County Attorney's Office, Phoenix  
By Daniel Strange  
*Counsel for Respondent*

Martin Richard Apodaca, Eloy  
*Petitioner*

STATE v. APODACA  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge David D. Weinzweig, Judge Randall M. Howe, and Judge D. Steven Williams delivered the decision of the court.

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**PER CURIUM:**

¶1 Petitioner Martin Richard Apodaca seeks review of the superior court's order denying his petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1. This is petitioner's first 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, the petition for review, as well as the state's response. The petitioner has failed to show an abuse of discretion.

¶4 For the foregoing reasons, this court grants review but denies relief.



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