

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

KRISTA MARIE CLINE, *Petitioner*.

No. 1 CA-CR 23-0154 PRPC  
FILED 11-7-2023

---

Petition for Review from the Superior Court in Yavapai County  
No. V1300CR201780520  
The Honorable Michael R. Bluff, Judge

**REVIEW GRANTED; RELIEF DENIED**

---

COUNSEL

Yavapai County Attorney's Office, Prescott  
By George Rodriguez  
*Counsel for Respondent*

Krista Marie Cline, Goodyear  
*Petitioner*

---

**MEMORANDUM DECISION**

Presiding Judge David D. Weinzweig, Judge Michael S. Catlett, and Judge  
Maria Elena Cruz delivered the decision of the Court.

---

STATE v. CLINE  
Decision of the Court

PER CURIAM:

¶1 Petitioner Krista Marie Cline seeks review of the superior court's order denying her petition for post-conviction relief. 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 (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, 538, ¶ 1 (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. With respect to petitioner's claim that her trial and appellate counsel provided ineffective assistance of counsel by failing to object to a jury instruction, we do not rely on the invited error doctrine. We, instead, conclude that petitioner has not satisfied the requirements for obtaining post-conviction relief based on ineffective assistance of counsel. *See State v. Bennett*, 213 Ariz. 562, 567 ¶ 21 (2006) ("Failure to satisfy either prong of the *Strickland* test is fatal to an ineffective assistance of counsel claim.").

¶4 We grant review and deny relief.



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