

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

GABRIEL MARTIN RAYOS, *Petitioner*.

No. 1 CA-CR 16-0040 PRPC  
FILED 10-10-2017

---

Petition for Review from the Superior Court in Maricopa County  
No. CR2011-111299-001 DT  
The Honorable Jeanne M. Garcia, Judge

**REVIEW GRANTED; RELIEF DENIED**

---

COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Diane M. Meloche  
*Counsel for Respondent*

Gabriel Martin Rayos, Buckeye  
*Petitioner*

---

**MEMORANDUM DECISION**

Presiding Judge Lawrence F. Winthrop, Judge Diane M. Johnsen, and  
Judge Maria Elena Cruz delivered the decision of the Court.

---

STATE v. RAYOS  
Decision of the Court

PER CURIAM:

¶1 Petitioner Gabriel Martin Rayos 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 for post-conviction relief.

¶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, ¶ 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.

¶4 We grant review and deny relief.



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