

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

DARRYL D. JOHNSON, *Petitioner*.

No. 1 CA-CR 16-0444 PRPC
FILED 10-19-2017

Petition for Review from the Superior Court in Maricopa County
No. CR2012-116636-001
The Honorable Brian Kaiser, Judge *Pro Tempore*

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Nicholas Saccone
Counsel for Respondent

Darryl D. Johnson, San Luis
Petitioner Pro Per

STATE v. JOHNSON
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Paul J. McMurdie, Judge Peter B. Swann and Judge Samuel A. Thumma delivered the following decision.

PER CURIAM:

¶1 Petitioner Darryl D. Johnson 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 successive 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 the 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 the petitioner has not established an abuse of discretion.

¶4 We grant review but deny relief.



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