

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

THOMAS ALAN HIEMSTRA, *Petitioner*.

No. 1 CA-CR 16-0826 PRPC  
FILED 10-19-2017

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Petition for Review from the Superior Court in Maricopa County  
No. CR2011-150761-001  
The Honorable William L. Brotherton, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Gerald R. Grant  
*Counsel for Respondent*

Thomas Alan Hiemstra, Tucson  
*Petitioner Pro Per*

STATE v. HIEMSTRA  
Decision of the Court

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**MEMORANDUM DECISION**

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

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**PER CURIAM:**

¶1 Petitioner Thomas Alan Hiemstra 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