

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

v.

ALEX OSUNA, *Respondent.*

No. 1 CA-CR 16-0322 PRPC
FILED 1-25-2018

Petition for Review from the Superior Court in Yuma County
No. S1400CR200901226
The Honorable Lisa W. Bleich, Judge *Pro Tempore*

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Yuma County Attorney's Office, Yuma
By Charles V.S. Platt
Counsel for Petitioner

Sharmila Roy Attorney at Law, Laveen
By Sharmila Roy
Counsel for Respondent

STATE v. OSUNA
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Lawrence F. Winthrop, Judge Jennifer B. Campbell, and Judge Paul J. McMurdie delivered the decision of the Court.

PER CURIAM:

¶1 Petitioner the State of Arizona seeks review of the superior court's order granting respondent Alex Osuna's petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1.

¶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. *See State v. Gutierrez*, 229 Ariz. 573, 577, ¶ 19 (2012). It is a petitioner's burden to show the superior court abused its discretion in ruling on the petition for post-conviction relief. *See State v. Poblete*, 227 Ariz. 537, 538, ¶ 1 (App. 2011).

¶3 We have reviewed the record in this matter, the superior court's order granting the petition for post-conviction relief, and the petition for review. Petitioner has not established an abuse of discretion.

¶4 Accordingly, we grant review but deny relief.



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