

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JAMES GARY BANDERET, *Respondent.*

No. 1 CA-CR 16-0556 PRPC
FILED 1-9-2018

Petition for Review from the Superior Court in Maricopa County
No. CR1987-005418
The Honorable Jose S. Padilla, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Amanda M. Parker
Counsel for Petitioner

Law Office of Brent E. Graham, PLLC, Glendale
By Brent E. Graham
Counsel for Respondent

STATE v. BANDERET
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Kenton D. Jones, Judge Jon W. Thompson, and Judge Jennifer M. Perkins delivered the decision of the Court.

PER CURIAM:

¶1 The State seeks review of the superior court's order granting James Banderet'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. *State v. Gutierrez*, 229 Ariz. 573, 576-77, ¶ 19 (2012). It is the State's burden to show that the superior court abused its discretion in granting the petition. *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. We find that the State has not shown any abuse of discretion.

¶4 Accordingly, we grant review and deny relief. This Court's stay, entered September 12, 2016, is vacated.