

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JIMMY WAYNE GUINARD, *Petitioner*.

No. 1 CA-CR 16-0824 PRPC
FILED 1-4-2018

Petition for Review from the Superior Court in Yavapai County
No. P1300CR201101146
The Honorable Tina R. Ainley, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Yavapai County Attorney's Office, Phoenix
By George Rodriguez
Counsel for Respondent

Jimmy Wayne Guinard, Douglas
Petitioner

STATE v. GUINARD
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Paul J. McMurdie, Judge Peter B. Swann, and Judge James B. Morse Jr. delivered the following decision.

PER CURIAM:

¶1 Petitioner Jimmy Guinard 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 Guinard's first 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, 538, ¶ 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