

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

TIMOTHY MALUMPHY, *Petitioner*.

No. 1 CA-CR 17-0030 PRPC  
FILED 1-16-2018

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Petition for Review from the Superior Court in Maricopa County  
No. CR0000-0048919  
The Honorable John Christian Rea, Judge

**REVIEW GRANTED; RELIEF DENIED**

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APPEARANCES

Timothy Malumphy, San Luis  
*Petitioner*

Maricopa County Attorney's Office, Phoenix  
By Diane Meloche  
*Counsel for Respondent*

STATE v. MALUMPHY  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge James P. Beene, Judge Randall M. Howe and Judge Kent E. Cattani delivered the following decision.

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**PER CURIAM:**

¶1 Petitioner Timothy Malumphy 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 fourth petition for post-conviction relief.

¶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, 278 P.3d 1276, 1280 (2012). It is 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, 260 P.3d 1102, 1103 (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 that petitioner has not established an abuse of discretion.

¶4 We grant review and deny relief.



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