

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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