

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

JOE CERVANTES, JR., *Petitioner*.

No. 1 CA-CR 18-0056 PRPC  
FILED 5-15-2018

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Petition for Review from the Superior Court in Yavapai County  
Nos. P1300CR20081426  
P1300CV201700927  
The Honorable Michael R. Bluff, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Yavapai County Attorney's Office, Prescott  
By Dana E. Owens  
*Counsel for Respondent*

Joe Cervantes, Jr., Florence  
*Petitioner*

STATE v. CERVANTES  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge Michael J. Brown, Judge Maria Elena Cruz, and Judge David D. Weinzweig delivered the decision of the Court.

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**PER CURIAM:**

¶1 Petitioner Joe Cervantes, Jr., seeks review of the superior court's order denying his petition for writ of habeas corpus, which the trial court properly treated as Cervantes' second 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, 577, ¶ 19 (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 (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 For the foregoing reasons, we grant review and deny relief.



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