

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

DONALD LEE DEMPSEY, JR., *Petitioner*.

No. 1 CA-CR 18-0452 PRPC  
FILED 10-30-2018

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Appeal from the Superior Court in Maricopa County  
No. CR2011-149644-001  
The Honorable Richard L. Nothwehr, Judge *Pro Tempore*

**REVIEW GRANTED AND RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Daniel Strange  
*Counsel for Respondent*

Donald Dempsey, Buckeye  
*Petitioner*

STATE v. DEMPSEY  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge Jennifer M. Perkins, Judge Lawrence F. Winthrop, and Judge Jon W. Thompson delivered the decision of the Court.

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**PER CURIAM:**

¶1 Petitioner Donald Lee Dempsey, Jr. 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 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 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 hold 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