IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

EMELIO OSORIO-ROSAS, *Petitioner*.

No. 1 CA-CR 18-0560 PRPC
FILED 12-27-18

Petition for Review from the Superior Court in Maricopa County
No. CR 2011-134532-001
The Honorable Susanna C. Pineda, Judge

REVIEW GRANTED; RELIEF DENIED

APPEARANCES

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

Emelio Osorio-Rosas, Florence
Petitioner

MEMORANDUM DECISION

Presiding Judge Jennifer B. Campbell, Judge Paul J. McMurdie, and Judge Kent E. Cattani delivered the decision of the Court.

PER CURIAM:

¶1 Petitioner Emelio Osorio-Rosas seeks review of the superior court's order denying his third, untimely 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, 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: JT