

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

DEWAYNE BRIAN WHEELER, *Petitioner*.

No. 1 CA-CR 19-0236 PRPC  
FILED 12-5-2019

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Appeal from the Superior Court in Maricopa County  
No. CR2015-005330-001  
The Honorable Mark H. Brain, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

DeWayne Brian Wheeler, Eloy  
*Petitioner*

Maricopa County Attorney's Office, Phoenix  
By Andrea L. Kever  
*Counsel for Respondent*

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**MEMORANDUM DECISION**

Presiding Judge Samuel A. Thumma, Judge Jennifer M. Perkins and Judge  
Paul J. McMurdie delivered the decision of the Court.

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STATE v. WHEELER  
Decision of the Court

PER CURIAM:

¶1 Petitioner name 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 second 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. Petitioner has not established an abuse of discretion.

¶4 For the foregoing reasons, we grant review but deny relief.



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