

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

DANIEL NEWTON HEAD, *Petitioner*.

No. 1 CA-CR 20-0362 PRPC  
FILED 12-1-2020

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Appeal from the Superior Court in Yavapai County  
No. P1300CR201400418  
The Honorable Tina R. Ainley, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Attorneys For Freedom Law Firm, Chandler  
By Marc J. Victor  
*Counsel for Petitioner*

Yavapai County Attorney's Office, Prescott  
By Henry Edward Whitmer  
*Counsel for Respondent*

STATE v. HEAD  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge Samuel A. Thumma, Judge D. Steven Williams and Judge David D. Weinzweig delivered the decision of the Court.

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**PER CURIAM:**

¶1 Petitioner Daniel Newton Head 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. 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