

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

STATE OF ARIZONA, *Respondent*,

v.

MICHAEL RAY FUQUA, *Petitioner*.

No. 1 CA-CR 20-0535 PRPC
FILED 7-15-2021

Appeal from the Superior Court in Navajo County
No. CR20050540
The Honorable Michala M. Ruechel, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Michael Ray Fuqua, Buckeye
Petitioner

Navajo County Attorney's Office, Holbrook
By Bradley W. Carlyon
Counsel for Respondent

MEMORANDUM DECISION

Chief Judge Kent E. Cattani, Judge Samuel A. Thumma and Judge Brian Y. Furuya delivered the decision of the Court.

STATE v. FUQUA
Decision of the Court

PER CURIAM:

¶1 Petitioner Michael Ray Fuqua 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 Fuqua'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 the 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 find the petitioner has not established an abuse of discretion.

¶4 We grant review but deny relief.



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