

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JOSE F. MERCADO, *Petitioner*.

No. 1 CA-CR 20-0621 PRPC
FILED 7-29-2021

Petition for Review from the Superior Court in Maricopa County
No. CR1996-002154
The Honorable Roy C. Whitehead, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

The Nolan Law Firm, Mesa
By Todd E. Nolan, Vicki A. R. Lopez
Counsel for Petitioner

MEMORANDUM DECISION

Presiding Judge David B. Gass, Judge Michael J. Brown, and Judge David
D. Weinzwieg delivered the decision of the Court.

STATE v. MERCADO
Decision of the Court

PER CURIAM:

¶1 Petitioner Jose F. Mercado seeks review of the superior court's order denying his petition for post-conviction relief. This is petitioner's third 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, 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: AA