

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

BILLY BART SAIN, *Petitioner*.

No. 1 CA-CR 21-0245 PRPC  
FILED 10-28-2021

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Petition for Review from the Superior Court in Maricopa County  
No. CR2017-109585-001  
The Honorable Christopher Whitten, Judge

**REVIEW GRANTED; RELIEF DENIED**

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APPEARANCES

Maricopa County Attorney's Office, Phoenix  
By Amanda M. Parker  
*Counsel for Respondent*

Billy Bart Sain, Yuma  
*Petitioner*

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**MEMORANDUM DECISION**

Presiding Judge D. Steven Williams, Judge David B. Gass, and Judge  
James B. Morse Jr. delivered the decision of the Court.

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STATE v. SAIN  
Decision of the Court

PER CURIAM:

¶1 Petitioner Billy Bart Sain seeks review of the superior court's order denying his petition for post-conviction relief. 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, 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. The petitioner has failed to show an abuse of discretion.

¶4 For the foregoing reasons, this court grants review but denies relief.



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