

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

EDWIN TAYLOR BERRY, *Petitioner*.

No. 1 CA-CR 21-0345 PRPC

FILED 10-28-2021

Petition for Review from the Superior Court in Yavapai County

No. P1300CR201500825

The Honorable Krista M. Carman, Judge

REVIEW GRANTED; RELIEF DENIED

APPEARANCES

Yavapai County Attorney's Office, Prescott

By Joshua I. Fisher

Counsel for Respondent

Edwin Taylor Berry, Florence

Petitioner

MEMORANDUM DECISION

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

STATE v. BERRY
Decision of the Court

PER CURIAM:

¶1 Petitioner Edwin Taylor Berry seeks review of the superior court's order denying his petition for post-conviction relief. This is petitioner's latest successive 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, the state's response, the petitioner's reply 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