

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

CURTIS SIMMONS, *Petitioner*.

No. 1 CA-CR 21-0467 PRPC  
FILED 10-06-2022

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Petition for Review from the Superior Court in Maricopa County  
No. CR 2010-005426-029  
The Honorable Joseph C. Welty, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Krista Wood  
*Counsel for Respondent*

Curtis G. Simmons, San Luis  
*Petitioner*

**MEMORANDUM DECISION**

Vice Chief Judge David B. Gass, Judge Angela K. Paton, and Judge Cynthia J. Bailey delivered the decision of the Court.

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**PER CURIAM:**

¶1 Petitioner Curtis Simmons seeks review of the superior court's order denying his petition for post-conviction relief. This is petitioner's second petition for review. For the reasons stated, we grant review and deny relief.

¶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.

