

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

v.

CARMEN BRENDA LEE GONZALEZ, *Respondent*.

No. 1 CA-CR 22-0097 PRPC
FILED 11-22-2022
AMENDED PER ORDER FILED 12-01-2022

Petition for Review from the Superior Court in Yuma County
No. S1400CR201800578
The Honorable Brandon S. Kinsey, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Yuma County Attorney's Office, Yuma
By Charles V. S. Platt
Counsel for Petitioner

Yuma County Legal Defender's Office, Yuma
By Zachary John Dumyahn
Counsel for Respondent

STATE v. GONZALEZ
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Jennifer M. Perkins, Judge James B. Morse Jr., and Judge Michael J. Brown delivered the decision of the Court.

PER CURIAM:

¶1 Petitioner State of Arizona seeks review of the superior court's order granting Carmen Brenda Lee Gonzalez's petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1.

¶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 petitioner's burden to show that the superior court abused its discretion by granting 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, petition for review, and response. Petitioner has not established an abuse of discretion.

¶4 For the foregoing reasons, we grant review but deny relief.



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