

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

VICTOR MANUEL HERNANDEZ,
Petitioner.

No. 1 CA-CR 22-0139 PRPC
FILED 10-25-2022

Petition for Review from the Superior Court of Maricopa County
No. CR2010-007903-001
The Honorable Justin Beresky, Judge

REVIEW GRANTED; RELIEF DENIED

APPEARANCES

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

Victor Manuel Hernandez, Kingman
Petitioner

STATE v. HERNANDEZ
Decision of the Court

MEMORANDUM DECISION

Presiding Judge David D. Weinzweig, Judge Randall M. Howe, and Judge D. Steven Williams and delivered the decision of the Court.

PER CURIAM:

¶1 Petitioner Hernandez 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