

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

LESTER MACBETH, *Petitioner*.

No. 1 CA-CR 23-0001 PRPC
FILED 6-29-2023

Petition for Review from the Superior Court in Maricopa County
No. CR0000-105226
CR0000-105587
The Honorable Mark H. Brain, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Faith Cheree Klepper
Counsel for Respondent

The Stavris Law Firm, PLLC, Scottsdale
By Christopher Stavris
Counsel for Petitioner

STATE v. MACBETH
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Cynthia J. Bailey, Judge Jennifer B. Campbell, and Judge David D. Weinzweig delivered the decision of the Court.

PER CURIAM:

¶1 Petitioner Lester MacBeth seeks review of the superior court's order denying his petition for post-conviction relief. This is petitioner's second 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, 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