

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

JERRY ALFONSO OCHOA, *Petitioner*.

No. 1 CA-CR 23-0139 PRPC  
FILED 10-19-2023

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Petition for Review from the Superior Court in Maricopa County  
No. CR2010-006260-001  
The Honorable Kerstin G. LeMaire, Judge

**REVIEW GRANTED AND RELIEF DENIED**

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APPEARANCES

Maricopa County Attorney's Office, Phoenix  
By Philip D. Garrow  
*Counsel for Respondent*

Jerry Alfonso Ochoa, Florence  
*Petitioner*

STATE v. OCHOA  
Decision of the Court

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**MEMORANDUM DECISION**

Vice Chief Judge Randall M. Howe, Judge Jennifer M. Perkins, and Judge Daniel J. Kiley delivered the decision of the court.

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**PER CURIAM:**

¶1 Petitioner Jerry Alfonso Ochoa seeks review of the superior court's order denying his petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1. This is petitioner's third 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 (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, 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, the petition for review, and the response. We find that petitioner has not established an abuse of discretion.

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



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