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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

TODD STERLING TRACY, *Petitioner*.

No. 1 CA-CR 17-0325 PRPC
FILED 1-25-2018

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Petition for Review from the Superior Court in Mohave County
No. S8015CR201201255
The Honorable Steven F. Conn, Judge (Retired)

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Mohave County Attorney's Office, Kingman
By Matthew J. Smith
*Counsel for Respondent*

Todd Sterling Tracy, Florence
*Petitioner*

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**MEMORANDUM DECISION**

Presiding Judge Lawrence F. Winthrop, Judge Jennifer B. Campbell, and Judge Paul J. McMurdie delivered the decision of the Court.

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**PER CURIAM**:

**¶1** Petitioner Todd Sterling Tracy 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 first 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, 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