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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

ANTHONY-ERIC EMERSON, *Petitioner*.

No. 1 CA-CR 17-0582 PRPC
FILED 2-1-2018

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Petition for Review from the Superior Court in Maricopa County
No. CR2010-138001-001
CR2010-139292-001
The Honorable Karen L. O'Connor, Judge

**REVIEW GRANTED AND RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix
By Diane Meloche
*Counsel for Respondent*

Anthony-Eric Emerson, Tucson
*Petitioner*

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**MEMORANDUM DECISION**

Presiding Judge Randall M. Howe, Judge Kenton D. Jones, and Judge James B. Morse Jr. delivered the decision of the Court.

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**PER CURIAM**:

**¶1** Petitioner Anthony-Eric Emerson 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 second 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** For the foregoing reasons, we grant review and deny relief.




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