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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

HILARIO VASQUEZ, *Petitioner*.

No. 1 CA-CR 17-0636 PRPC
FILED 3-6-2018

Petition for Review from the Superior Court in Maricopa County
No. CR2009-142391-004
The Honorable David O. Cunanan, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Arizona Attorney General's Office, Phoenix
By D. Matthew Conti
Counsel for Respondent

Hilario Vasquez, Eloy
Petitioner

MEMORANDUM DECISION

Presiding Judge Jon W. Thompson, Judge Peter B. Swann, and Judge James P. Beene delivered the decision of the Court.

P E R C U R I A M:

¶1 Petitioner Hilario Vasquez 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 the petitioner's first not of-right petition for post-conviction relief.

¶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, 576-77, ¶ 19 (2012). It is the petitioner's burden to show that the superior court abused its discretion in denying the petition. *See State v. Poblete*, 227 Ariz. 537, 538, ¶ 1 (App. 2011).

¶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 shown an abuse of discretion.

¶4 Accordingly, we grant review and deny relief.

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