

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

MICHAEL DEVAUGHN JOHNSON, *Petitioner*.

No. 1 CA-CR 18-0633 PRPC  
FILED 12-4-2018

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Appeal from the Superior Court in Maricopa County  
No. CR2011-114400-003  
The Honorable Pamela Hearn Svoboda, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

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

Michael Devaughn Johnson, Florence  
*Petitioner*

APPENDIX (A)

STATE v. JOHNSON  
Decision of the Court

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MEMORANDUM DECISION

Presiding Judge Jennifer M. Perkins, Judge Lawrence F. Winthrop and Judge Jon W. Thompson delivered the decision of the Court.

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PER CURIAM:

¶1 Petitioner Michael Devaughn Johnson 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 fifth 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, ¶ 1 (App. 2011) (petitioner has the 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 hold that petitioner has not established an abuse of discretion.

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

(A)



SCOTT BALES  
CHIEF JUSTICE

JANET JOHNSON  
CLERK OF THE COURT

## Supreme Court

STATE OF ARIZONA  
ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET, SUITE 402  
PHOENIX, ARIZONA 85007-3231

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January 25, 2019

**RE: STATE OF ARIZONA v MICHAEL DEVAUGHN JOHNSON**

Arizona Supreme Court No. CR-18-0604-PR

Court of Appeals, Division One No. 1 CA-CR 18-0633 PRPC

Maricopa County Superior Court No. CR2011-114400-003

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on January 25, 2019, in regard to the above-referenced cause:

**ORDERED: Petition for Review = DENIED.**

**A panel composed of Chief Justice Bales, Justice Pelander, Justice Gould and Justice Lopez participated in the determination of this matter.**

Janet Johnson, Clerk

TO:

Joseph T Maziarz

Diane Meloche

Michael DeVaughn Johnson, ADOC 121923, Arizona State Prison,  
Florence - Eyman Complex-Browning Unit (SMU II)

Amy M Wood

jd

APPENDIX (C)

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-18-0604-PR
Respondent,	)	
	)	Court of Appeals
v.	)	Division One
	)	No. 1 CA-CR 18-0633 PRPC
MICHAEL DEVAUGHN JOHNSON,	)	
	)	Maricopa County
Petitioner.	)	Superior Court
	)	No. CR2011-114400-003
	)	FILED 02/07/2019

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O R D E R

On January 25, 2019, a panel composed of Chief Justice Bales, Justice Pelander, Justice Gould and Justice Lopez denied Petitioner Johnson's "Petition for Review by the Defendant." On February 6, 2019, Petitioner Johnson filed a "Motion for Reconsideration." In accordance with Arizona Rule of Criminal Procedure 31.20(f), unless permitted by specific order of the appellate court, no party may file a motion for reconsideration of an order denying a petition for review. Therefore,

IT IS ORDERED dismissing Petitioner's "Motion for Reconsideration."

DATED this 7<sup>th</sup> day of February, 2019.

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/s/  
JOHN PELANDER  
Duty Justice

APPENDIX (D)

TO:

Joseph T Maziarz

Diane Meloche

Michael DeVaughn Johnson, ADOC 121923, Arizona State Prison, Florence  
- Eyman Complex-Browning Unit (SMU II)

Amy M Wood

jd

**Additional material  
from this filing is  
available in the  
Clerk's Office.**