

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

/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.**