Supreme Court

STATE OF ARIZONA

ROBERT BRUTINEL
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

TRACIE K. LINDEMAN
Clerk of the Court

June 16, 2021

RE: STATE OF ARIZONA v GETTUS LEROY MINTZ
Arizona Supreme Court No. CR-21-0057-PR
Court of Appeals, Division One No. 1 CA-CR 20-0331 PRPC
Maricopa County Superior Court No. CR2009-005503-001

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on June 16, 2021, in regard to the above-referenced cause:

ORDERED: Petition for Review = DENIED.

A panel composed of Chief Justice Brutinel, Justice Bolick, Justice Lopez, and Justice Beene participated in the determination of this matter.

Tracie K. Lindeman, Clerk

TO:
Linley Wilson
Jeffrey R Duvendack
Gettus Leroy Mintz, ADOC 040014, Arizona State Prison,
Yuma - Cibola Unit
Amy M Wood

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IN THE

ARIZONA COURT OF APPEALS

DIVISION ONE

STATE OF ARIZONA, *Respondent,*

v.

GETTUS LEROY MINTZ, *Petitioner.*

No. 1 CA-CR 20-0331 PRPC

FILED 2-2-2021

Petition for Review from the Superior Court in Maricopa County
No. CR2009-005503-001
The Honorable Timothy J. Ryan, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Gettus Leroy Mintz, San Luis
Petitioner

MEMORANDUM DECISION

Presiding Judge Jennifer M. Perkins, Judge Randall M. Howe, and Judge Maria Elena Cruz delivered the decision of the Court.

PER CURIAM:

¶1 Petitioner Gettus Leroy Mintz 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 fourth 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. Petitioner has not established an abuse of discretion.

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

COURT OF APPEALS STATE OF ARIZONA

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

Clerk of the Superior Court
*** Electronically Filed ***
06/09/2020 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-005503-001 DT

06/08/2020

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
A. Goodwin
Deputy

STATE OF ARIZONA

JEFFREY R DUVENDACK

v.

GETTUS LEROY MINTZ (001)

GETTUS LEROY MINTZ
040014 ASPC YUMA CIBOLA
P O BOX 8909
SAN LUIS AZ 85349

COURT ADMIN-CRIMINAL-PCR
JUDGE RYAN

RULE 32 PROCEEDING DISMISSED

Pending before the Court are Defendant's Motion for Post-Conviction Y-STR DNA Testing of Evidence filed November 26, 2019 (filed less than one month after the minute entry denying Defendant's third Rule 32 proceeding), a document captioned as "JUDICIAL NOTICE PURSUANT TO RULE 81 CODE 2.2 PRESENTING FORENSIC MISCONDUCT REQUEST RELIEF AND FINDING BY CONCLUSIONS OF LAW" filed December 16, 2019, a Supplement to Petition for "JUDICIAL NOTICE" FORENSIC MISCONDUCT filed on December 26, 2019, SUPPLEMENT TO PETITION FOR "JUDICIAL NOTICE" FORENSIC MISCONDUCT filed on December 27, 2019. Amongst these rambling pleadings is a request for additional DNA testing. This has been repeatedly addressed and denied in prior proceedings, so this Court is at a loss as to why the State was ordered to respond, as the pleadings reference above should have been summarily dismissed without requiring the State to respond.

The State was ordered to respond, which the State filed on April 24, 2019. The matter was assigned to this Division on May 1, 2019, of which this Division received actual notice on May 4, 2019. Even though this Division was assigned for the PCR as of that date, other orders