

No. \_\_\_\_\_  
IN THE  
**SUPREME COURT OF THE UNITED STATES**

---

JOSEPH CONLEY, Petitioner

v.

STATE OF ARIZONA, Respondent

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE ARIZONA COURT OF APPEALS

---

**APPLICATION FOR EXTENSION OF TIME TO FILE  
A PETITION FOR WRIT OF CERTIORARI**

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*Counsel for Applicant*

Kerrie D. Zhivago  
ZHIVAGO LAW PLLC  
1934 E. Camelback Ste. 120-482  
Phoenix, Arizona 85016  
(480) 612-3058

**APPLICATION**

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, AND CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT:

Pursuant to Rules 13.5 and 30, petitioner JOSEPH CONLEY, respectfully asks the Court for a 60-day extension of time, to and including April 4, 2025, to file a petition for a writ of certiorari in this matter.

The Arizona Court of Appeals denied relief on February 6, 2024. (See App.A). The Arizona Supreme Court denied review on November 6, 2024 (App. B). This Court's jurisdiction is invoked under 28 U.S.C. sec. 1254(I). This application is being filed more than 10 days before the present due date as required by Supreme Court Rule 13.5.

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**CERTIFICATE OF SERVICE**

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Pursuant to Supreme Court Rules 29.2, 3 and 29.5(b), I, Kerrie D. Zhivago, a member of the bar of this Court, certifies that on January 24, 2025, an original and two copies of the foregoing Application for an Extension of Time to File a Petition for a Writ of Certiorari was served U.S. priority mail for delivery within three calendar days, postage prepaid, to the following counsel:

Julie A. Done  
*Deputy County Attorney*  
Maricopa County Attorney's Office  
225 West Madison Street, 4<sup>th</sup> Fl.  
Phoenix, Arizona 85003

Alex Samuels  
Assistant Attorney General  
Arizona Attorney General's Office  
2005 North Central Avenue  
Phoenix, Arizona 85004

Counsel for Respondent

I further certify that a copy of the foregoing Application for an Extension of Time to File a Petition for a Writ of Certiorari was served by e-mail to the above listed counsel on January 24, 2025.

I further certify that all parties required to be served have been served.

January 24, 2025

/s/ Kerrie Droban Zhivago

## APPENDIX A

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

JOSEPH LEE CONLEY, *Petitioner*.

No. 1 CA-CR 22-0266 PRPC  
FILED 2-6-2024

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Petition for Review from the Superior Court in Maricopa County  
No. CR2004-035015-001  
The Honorable Patricia A. Starr, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Julie A. Done, Jessi C. Wade  
*Counsel for Respondent*

Zhivago Law, Phoenix  
By Kerrie M. Droban Zhivago  
*Counsel for Petitioner*

STATE v. CONLEY  
Decision of the Court

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MEMORANDUM DECISION

Presiding Judge Andrew M. Jacobs, Judge Jennifer M. Perkins, and Judge David D. Weinzweig delivered the following decision.

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PER CURIAM:

¶1 Petitioner Joseph Conley 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 Conley's third 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 the 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, the petition for review, and response. We find the petitioner has not established an abuse of discretion.

¶4 We grant review but deny relief.



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

## APPENDIX B



# Supreme Court

STATE OF ARIZONA

**ANN A. SCOTT TIMMER**  
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

November 8, 2024

**RE: STATE OF ARIZONA v JOSEPH LEE CONLEY**

Arizona Supreme Court No. CR-24-0075-PR

Court of Appeals, Division One No. 1 CA-CR 22-0266 PRPC

Maricopa County Superior Court No. CR2004-035015-001

**GREETINGS:**

The following action was taken by the Supreme Court of the State of Arizona on November 6, 2024, in regard to the above-referenced cause:

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

**Justice Montgomery did not participate in the determination of this matter.**

Tracie K. Lindeman, Clerk

TO:

Alice Jones

Julie A Done

Jessi C Wade

Kerrie M Droban Zhivago

Amy M Wood

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