

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 12/11/2012
RUTH A. WILLINGHAM,
CLERK
BY: mjt

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0177
)
Appellee,) Department E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication-
ANTOWAN MAURICE BORDEAUX,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2011-123109-001

The Honorable Kristin C. Hoffman, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Spencer D. Heffel, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz.

297, 451 P.2d 878 (1969). Counsel for Antowan Maurice Bordeaux (defendant) has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and has not done so.

¶2 On May 8, 2011, defendant was at home with his girlfriend, B.B., and her three minor children, A.B., R.B., and J.B. After receiving bad news, defendant became violent while playing with the family. Defendant punched and slapped B.B. in the face, eyes and neck, and then "attacked" A.B. A.B. and her siblings ran to a bedroom upstairs; B.B. followed and locked the door behind her. Defendant kicked down the door and began to punch B.B. and hit her with the door. Defendant then grabbed A.B. by her leg and yanked her off the top of a bunk bed causing her to fall to the floor and hit her head. B.B. escaped, found a passerby with a cell phone and called the police. Defendant was charged with one count of aggravated assault as to victim R.B., a class 6 felony; one count of child abuse as to victim A.B., a class four felony; one count of criminal damage, a class 6 felony; and one count of assault as to victim B.B., a class 1 misdemeanor. All charges were domestic violence offenses.

¶13 A jury convicted defendant of assault and reckless child abuse, the lesser included offense of child abuse, a class five felony.¹ The jury also found two aggravating factors: that the defendant caused physical or emotional harm to the victim, and that the offense was a domestic violence offense that occurred in the presence of a child. The court found that defendant had two prior felony convictions, and sentenced defendant to three years for reckless child abuse and time served for assault. Defendant received 243 days of presentence incarceration credit.

¶14 We have read and considered counsel's brief and have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end.

¹ The jury acquitted defendant of aggravated assault, and count three, criminal damage, was dismissed at trial.

¶5 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

PATRICIA K. NORRIS, Presiding Judge

/s/

DIANE M. JOHNSEN, Judge