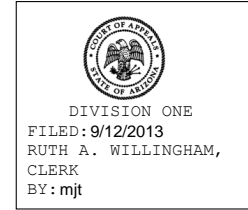


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0447
)
Appellee,) DEPARTMENT B
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
RONALD GROTTJAN,) Arizona Supreme Court)
)
Appellant.)
)
)
_____)

Appeal from the Superior Court in Maricopa County

Cause No. CR2009-145880-001

The Honorable Peter C. Reinstein, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
by Joseph T. Maziarz, Acting Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

Bruce Peterson, Maricopa County Legal Advocate Phoenix
by Kerri L. Chamberlin, Deputy Legal Advocate
Attorneys for Appellant

P O R T L E Y, Judge

¶1 After Ronald Grotjan was convicted and sentenced for negligent homicide and endangerment, his counsel filed this appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967) and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel has been unable to discover any arguable questions of law, and asked us to conduct an *Anders* review of the record. Grotjan did not take the opportunity to file a supplemental brief.

FACTS¹

¶2 While driving his minivan on July 13, 2009, Grotjan ran a red light, struck a Honda Civic and injured the two occupants of the car. The passenger in the car, however, was fatally injured.²

¶3 Immediately after the collision, Grotjan appeared disoriented and had slurred speech. After the paramedics arrived, he told them that he had taken his prescribed Xanax and Methadone that morning. Grotjan was taken to the hospital, and a detective observed that Grotjan had signs that he was under the influence. The detective subsequently secured a search warrant and had medical personnel take Grotjan's blood for

¹ We view the facts "in the light most favorable to sustaining the verdict, and resolve all reasonable inferences against the defendant." *State v. Rienhardt*, 190 Ariz. 579, 588-89, 951 P.2d 454, 463-64 (1997).

² The parties stipulated that the passenger died as a result of internal injuries sustained in the collision.

analysis. The analysis revealed that Grotjan's levels of Xanax and Clonapin exceeded established therapeutic ranges. As a result, Grotjan was indicted for manslaughter, a class two dangerous felony, and endangerment, a class six dangerous felony.

¶4 Grotjan challenged his competency to go to trial, but was found competent. At trial, the jury heard from the victim that survived the collision; other fact witnesses; a forensic scientist who testified about the effects of elevated amounts of Xanax and Clonapin; and from Grotjan's wife who testified that her husband had been taking the prescription for many years and appeared normal when he left the house. After all the evidence was presented, the jury convicted Grotjan of endangerment, a dangerous offense, found he was not guilty of manslaughter, but guilty of the lesser-included charge of negligent homicide, a dangerous offense. He was subsequently sentenced to prison for six years for negligent homicide and a concurrent 2.25 years for endangerment, and given 275 days of presentence incarceration credit. Subsequently, and pursuant to a stipulation, Grotjan was ordered to pay \$3500 in restitution to the decedent's family.

DISCUSSION

¶15 We have read and considered the opening brief. We have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. Grotjan was represented by counsel at all stages of the proceedings. The jury was properly instructed. It is clear that the jury listened to the testimony and followed the instructions because the jury only determined that the State had proven the lesser-included charge of negligent homicide and not the greater charge of manslaughter. Consequently, because there was substantial evidence to support the verdicts and the sentences were within the statutory range, we find no error that would require a new trial.

¶16 After this decision is filed, counsel's obligation to represent Grotjan in this appeal has ended. Counsel must only inform his client of the status of the appeal and his future options, unless counsel identifies an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Grotjan may, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

CONCLUSION

¶7 Accordingly, we affirm the convictions and sentences.

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

SAMUEL A. THUMMA, Judge

/s/

DONN KESSLER, Judge