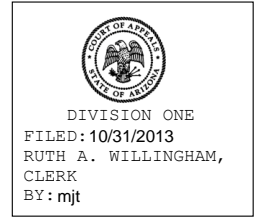


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) No. 1 CA-CR 13-0103
)
Appellee,) DEPARTMENT D
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
JEROME SCOTT SCHUESSLER,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
_____)

Appeal from the Superior Court in Maricopa County

Cause No. CR2011-006024-001

The Honorable Kristen C. Hoffman, Judge

AFFIRMED

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

Tyrone C. Mitchell, P.C. Phoenix
By Tyrone C. Mitchell
Attorney for Appellant

B R O W N, Judge

¶1 Jerome Scott Schuessler appeals his conviction and sentence for armed robbery. Counsel for Schuessler filed a brief in accordance with *Anders v. California*, 386 U.S. 738

(1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising that after searching the record on appeal, he was unable to find any arguable grounds for reversal. Schuessler was granted the opportunity to file a supplemental brief in *propria persona*, but he has not done so.

¶12 Our obligation is to review the entire record for reversible error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the conviction and resolve all reasonable inferences against Schuessler. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶13 In April 2011, Schuessler was charged by indictment with armed robbery, a class 2 felony, in violation of Arizona Revised Statutes ("A.R.S.") section 13-1904. The following evidence was presented at trial.

¶14 The victim, a store clerk, testified that on December 29, 2010, a man entered the store and demanded money from the cash register. The man said he would kill the victim if he did not give him the money. The man had his right hand over a concealed object and told the victim it was a gun. The victim, believing the object had the shape of a gun, handed over

approximately \$550 from the register. The man took the money and spit on the countertop as he left.¹

¶15 The victim gave police a detailed description of the robber. Several days later, the victim notified police that he had reviewed photos of recently arrested defendants posted on the Maricopa County Sheriff's Office website and identified Schuessler as the man who robbed the store.

¶16 A crime scene specialist testified that she swabbed the countertop for DNA and impounded the swab. The DNA analysis revealed there was a mixture from at least three individuals. The analyst then testified that Schuessler could not be eliminated as a possible contributor to this mixture.

¶17 The jury found Schuessler guilty as charged and also found the presence of two aggravating circumstances. At the sentencing hearing, Schuessler admitted to two prior felony convictions. Schuessler was sentenced to an aggravated term of 22 years' imprisonment.² This appeal followed.

¶18 We have searched the entire record for reversible error and find none. All of the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The

¹ A video recording of the incident was presented at trial, but the robber's identity could not be ascertained from the video.

² Schuessler was also sentenced to twenty-two years imprisonment in two companion cases. All three sentences were ordered to be served concurrently.

record shows Schuessler was present and represented by counsel at all pertinent stages of the proceedings, was afforded the opportunity to speak before sentencing, and the sentence imposed was within statutory limits. Accordingly, we affirm Schuessler's conviction and sentence.

¶19 Upon the filing of this decision, counsel shall inform Schuessler of the status of the appeal and his options. Defense counsel has no further obligations unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Schuessler shall have thirty days from the date of this decision to proceed, if he so desires, with a *pro per* motion for reconsideration or petition for review.

_____/s/_____
MICHAEL J. BROWN, Judge

CONCURRING:

_____/s/_____
ANDREW W. GOULD, Presiding Judge

_____/s/_____
DONN KESSLER, Judge