

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



DIVISION ONE
FILED: 10-07-2010
RUTH WILLINGHAM,
ACTING CLERK
BY: GH

STATE OF ARIZONA,) 1 CA-CR 09-0878
)
Appellee,) DEPARTMENT C
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
GILL MORRIS JACKSON,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2009-134944-001 DT

The Honorable Edward O. Burke, Judge

AFFIRMED

Terry Goddard, Attorney General Phoenix
by Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
by Cory Engle, Deputy Public Defender
Attorneys for Appellant

P O R T L E Y, Judge

¶1 This is 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 Gill Morris Jackson ("Defendant") has advised us that, after searching the entire record, she has been unable to discover any arguable questions of law, and has filed an opening brief requesting us to conduct an *Anders* review of the record. Defendant has not taken the opportunity he was given to file a supplemental brief.

FACTS¹

¶2 After having chest pains earlier in the day and going to the hospital, Defendant had just returned home when he was again asked to return some borrowed Tupperware. He got angry, went into his apartment, returned and pushed a sharp samurai sword to the victim's throat, which scared him. The victim grabbed the sword from Defendant and threw it into his apartment.

¶3 Defendant was subsequently arrested and charged with aggravated assault, a class 3 dangerous felony. He pled not guilty and went to trial.

¶4 In addition to the testimony of the victim and other witnesses for the State, Defendant testified. He told the jury that the victim, who was drunk, came into his apartment with a knife demanding the return of the borrowed Tupperware. He

¹ We review the facts in the light most favorable to sustaining the verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

stated that he grabbed his sword from its display case and pushed the victim out of his apartment.

¶15 The jury, after being instructed, deliberated and found Defendant guilty of aggravated assault, a dangerous offense. He was subsequently sentenced to a mitigated term of five years in prison and given credit for 105 days of presentence incarceration.

¶16 We have jurisdiction over this appeal pursuant to Article 6, Section 9, of the Arizona Constitution, and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031, and -4033(A)(1) (2010).

DISCUSSION

¶17 We have read and considered the opening brief, and have searched the entire record for reversible error. We find none. *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. The record, as presented, reveals that Defendant was represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits.

CONCLUSION

¶18 After this decision has been filed, appellate counsel's obligation to represent Defendant has ended. Counsel need do no more than inform Defendant of the status of the

appeal and Defendant's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Defendant can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶9 Accordingly, we affirm Defendant's conviction and sentence.

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

MARGARET H. DOWNIE, Judge

/s/

PATRICIA A. OROZCO, Judge