

NOTE: 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. 31.34



DIVISION ONE
FILED: 05/24/2012
RUTH A. WILLINGHAM,
CLERK
BY: s/s

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) No. 1 CA-CR 11-0419
)
Appellee,) DEPARTMENT A
)
v.) MEMORANDUM DECISION
)
RAFAEL ISAAC NUNEZ,) (Not for Publication -
) Rule 111, Rules of the
Appellant.) Arizona Supreme Court)
)
)

Appeal from the Superior Court in Mohave County

Cause No. S8015CR20081437

The Honorable Lee Frank Jantzen, Judge

AFFIRMED

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

Jill L. Evans, Mohave County Appellate Defender Kingman
Attorneys for Appellant

T I M M E R, Judge

¶1 Rafael Isaac Nunez appeals from his conviction and
resulting sentence after a trial court found him guilty of

misconduct involving weapons, a class four felony. Nunez's counsel filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000), *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), advising this court that after a search of the entire record on appeal, she found no arguable question of law that is not frivolous. This court granted Nunez an opportunity to file a supplemental brief in propria persona, but he has not done so. We have jurisdiction to consider 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), 13-4031, and -4033 (West 2012).¹ For the following reasons, we affirm Nunez's conviction and sentence.

DISCUSSION

¶2 We have read and considered counsel's brief and have searched the entire record for reversible error. *State v. Leon*, 104 Ariz. 297, 300, 451 P.2d 878, 881 (1969). We find none. The record shows that Nunez was represented by counsel at all stages of the proceedings and on appeal, and that the trial court afforded Nunez all his rights under the constitution, our statutes, and the Arizona Rules of Criminal Procedure. Nunez's sentence falls within the range prescribed by law. *Clark*, 196

¹ Absent material revisions after the date of an alleged offense, we cite a statute's current version.

Ariz. at 541, ¶ 50, 2 P.3d at 100.

CONCLUSION

¶3 After the filing of this decision, counsel's obligations pertaining to Davis's representation in this appeal have ended. Counsel need do no more than inform Davis of the status of the appeal and Davis's future options, unless counsel's review reveals 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). Davis shall have thirty days from the date of this decision to proceed, if she desires, with an in propria persona motion for reconsideration or petition for review.

¶4 Accordingly, we affirm Nunez's convictions and sentence.

/s/
Ann A. Scott Timmer, Judge

CONCURRING:

/s/
Maurice Portley, Presiding Judge

/s/
Andrew W. Gould, Judge