

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

FILED BY CLERK

DEC 27 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2012-0232
	)	DEPARTMENT B
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
CATHERINE ANN MORAN,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20112356001

Honorable Javier Chon-Lopez, Judge

AFFIRMED

Roach Law Firm, L.L.C.  
By Brad Roach

Tucson  
Attorney for Appellant

ESPINOSA, Judge.

¶1 After a jury trial held in her absence, Catherine Moran was convicted of forgery. Following a bench trial, which Moran did attend, the trial court found she had two historical prior felony convictions for sentence-enhancement purposes and sentenced her to a mitigated prison term of six years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), and *State v. Smith*, 171 Ariz. 501, 831 P.2d 877 (App. 1992), avowing he has found “no arguable issues on appeal.” Counsel asks this court to review the record for “any error that might warrant relief,” arguing our review is not restricted by *Anders* to error that can be characterized as fundamental. Moran has not filed a supplemental brief.

¶2 Without deciding whether we agree with counsel’s argument regarding the scope of our review under *Anders*, we have searched the record for any reversible error and have found none. Evidence presented at trial, viewed in the light most favorable to sustaining the conviction, *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), established Moran had gone to a Tucson grocery store and had attempted to cash a check that designated her as the payee and was made to appear it had been drawn on the bank account of a Tucson real estate business. The signer testified she had not signed the check, it was unlike any of the business’s checks, and she did not know Moran. Moran admitted to a police detective that an acquaintance had printed the check for her, she had never worked for the business, the business never had issued a check to her, and she had

intended to keep half of the proceeds to pay rent. From this and other evidence reasonable jurors could find Moran guilty of forgery, in violation of A.R.S. § 13-2002(A).

¶3 Moran's mitigated sentence was lawful and imposed in a lawful manner. A.R.S. §§ 13-703(C), (J), 13-2002(C). Therefore, the conviction and the sentence imposed are affirmed.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge