IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

LUIS RANDULFO PARRADO,
Appellant.

No. 2 CA-CR 2015-0075
Filed September 25, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County
No. CR20130021002
The Honorable Scott Rash, Judge

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
Joseph T. Maziarz, Section Chief Counsel, Phoenix
By Kathryn A. Damstra, Assistant Attorney General, Tucson
Counsel for Appellee

Barton & Storts, P.C., Tucson
By Brick P. Storts, III
Counsel for Appellant

MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Chief Judge Eckerstrom and Presiding Judge Miller concurred.

E S P I N O S A, Judge:

¶1 Luis Parrado was convicted after a jury trial of two counts each of kidnapping, armed robbery, aggravated robbery, aggravated assault, and possession of a narcotic drug, and one count each of first-degree burglary, kidnapping a minor under the age of fifteen, aggravated assault of a minor under the age of fifteen, and possession of drug paraphernalia. He was sentenced to consecutive and concurrent prison terms totaling 19.5 years. Parrado argues on appeal that there was insufficient evidence identifying him because the testifying victim was unable to identify him at trial and "was inconsistent in her description" of one of her assailants. We affirm.

¶2 We view the facts in the light most favorable to sustaining the jury's verdicts. *State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008). In December 2015, Parrado and another man entered the apartment of K., C., and their three-year-old son. They beat C. repeatedly with pistols and herded the family into the bedroom; while Parrado stayed in the living room, his companion entered the bedroom and pointed a pistol at the family and threatened to kill them. The attackers fled, taking several items from the apartment, when Parrado yelled that police were nearby. Both were arrested a short time later, and K. identified Parrado as one of her attackers just after his arrest. Parrado was carrying oxycodone pills and a baggie containing cocaine base when he was arrested.

¶3 Parrado's sole argument on appeal is that the evidence was insufficient to sustain his convictions because K., the only victim who testified, did not identify him at trial and gave a "varied" description of the assailant who had stayed in the living room.[1] We review the sufficiency of the evidence de novo, *State v. Pena*, 235 Ariz. 277, ¶ 5, 331 P.3d 412, 414 (2014), and will affirm if the conviction is supported by "substantial evidence," *State v. Ellison*, 213 Ariz. 116, ¶ 65, 140 P.3d 899, 916-17 (2006). Evidence is substantial if reasonable people could accept it as proving, beyond a reasonable doubt, all the elements of a crime and the defendant's responsibility for it. *See State v. Bearup*, 221 Ariz. 163, ¶ 16, 211 P.3d 684, 688 (2009).

¶4 Any variance or weaknesses in K.'s description of Parrado were for the jury to weigh against her identification of him just after his arrest. "'[I]t is not necessary that the identification of the defendant as the perpetrator of the crime be made positively or in a manner free from inconsistencies. It is the function of the jury to pass upon the strength or weakness of the identification.'" *State v. Dutton*, 83 Ariz. 193, 198, 318 P.2d 667, 670 (1957), *quoting People v. Houser*, 193 P.2d 937, 941 (Cal. Ct. App. 1948); *see also State v. Cox*, 217 Ariz. 353, ¶ 27, 174 P.3d 265, 269 (2007) (jury resolves witness credibility and assigns value to testimony). And, even if K.'s identification were somehow deficient, Parrado ignores that C.'s blood was found on his hands, clearly tying him to the offenses.

¶5 Because there was ample evidence that Parrado committed the offenses for which he was convicted, his convictions and sentences are affirmed.

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[1]We do not address the "additional issues" Parrado identified in his brief but characterized as "not appealable." *Cf. State v. King*, 226 Ariz. 253, ¶ 11, 245 P.3d 938, 942 (App. 2011) (failure to argue claim constitutes waiver).