

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JAMES DONALD BLACK,
Appellant.

No. 2 CA-CR 2016-0074
Filed August 24, 2016

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NOT FOR PUBLICATION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 Pinal County
No. S1000CR201501608
The Honorable Kevin D. White, Judge

AFFIRMED

COUNSEL

The Stavris Law Firm, PLLC, Scottsdale
By Christopher Stavris
Counsel for Appellant

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MEMORANDUM DECISION

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

ECKERSTROM, Chief Judge:

¶1 After a jury trial, James Black was convicted of aggravated assault with a deadly weapon or dangerous instrument, a dangerous offense. The jury additionally found, as aggravating factors, that Black had been on release from custody for a felony charge at the time of his offense and that he had caused physical, emotional, or financial harm to the victim. The trial court sentenced him to an aggravated, ten-year prison term.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting he has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, he has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for error. Black has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. In May 2015, Black threw a cup of bleach into the victim’s face, causing temporary blindness, burns, and significant pain, as well as causing approximately \$3,000 in damage to the victim’s wheelchair. A.R.S. §§ 13-105(12), (13); 13-1203(A)(1); 13-1204(A)(2); *see also State v. Larin*, 233 Ariz. 202, ¶ 38, 310 P.3d 990, 1000 (App. 2013) (if offense inherently dangerous, jury determination of dangerousness not required). And the evidence shows Black was on release pending

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unrelated felony charges. His sentence is within the statutory range and was properly imposed. A.R.S. §§ 13-704(A); 13-1204(D).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). We therefore affirm Black's conviction and sentence.