

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



DIVISION ONE
FILED: 07/17/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 11-0741
)
Appellee,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
NATHAN R. STAMPLEY,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Yuma County

Cause No. CRS1400CR201001474

The Honorable Andrew W. Gould, Judge

AFFIRMED

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

Michael A. Breeze, Yuma County Public Defender Yuma
by Edward F. McGee, 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 Defendant Nathan R. Stampley has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law, and has filed a brief requesting us to conduct an *Anders* review of the record. Defendant was given an opportunity to file a supplemental brief but has not done so.

FACTS¹

¶2 Yuma police officers responded to a 9-1-1 domestic violence call on November 20, 2010. Defendant went outside with an officer, and admitted that he had pinned the victim to the ground and had bitten her face. He was then arrested and advised of his *Miranda*² rights. Defendant was subsequently charged with domestic violence aggravated assault, a class 6 felony, and attempted second degree murder, a class 2 felony.

¶3 Before trial, Defendant filed a motion to suppress the statements he had made to the police prior to his arrest. The court conducted an evidentiary hearing, and heard from Defendant and the officer. After the hearing, the court concluded that the statements were voluntary and denied Defendant's motion.

¶4 The jury heard competing versions of the events of November 20, 2010. The victim, Defendant's wife, testified that

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

² *Miranda v. Arizona*, 384 U.S. 436 (1966).

Defendant had accused her of having an affair, threw her onto the floor, and bit her cheek. After he let her up, he knocked her down a second time and squeezed her neck with his hands so hard that she thought she was going to die. Defendant denied that he had tried to harm or kill his wife, but admitted that he had bitten her cheek.

¶15 After receiving final instructions and hearing closing arguments, the jury found Defendant guilty of the domestic violence aggravated assault but not guilty of attempted murder. He was subsequently placed on intensive supervised probation for thirty-six months, which included special mental health and domestic violence terms.

¶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), 13-4031, and -4033(A)(1) (West 2012).

DISCUSSION

¶17 We have read and considered counsel's brief, and have searched the entire record for reversible error. We find none. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. The record, as presented, reveals that all of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. Defendant was represented by counsel at all stages of the

proceedings and the sentence imposed was within the statutory limits.

CONCLUSION

¶8 Accordingly, we affirm Defendant's conviction and sentence. After this decision is filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel must only inform Defendant of the status of the appeal and Defendant's future options, unless counsel identifies an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Defendant may, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

DIANE M. JOHNSEN, Judge

/s/

LAWRENCE F. WINTHROP, Chief Judge