

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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STATE OF ARIZONA, *Appellee*,

*v.*

MIGUEL ANGEL NIEVES, *Appellant*.

No. 1 CA-CR 17-0047  
FILED 1-16-2018

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Appeal from the Superior Court in Maricopa County  
No. CR2016-110410-001  
The Honorable Michael W. Kemp, Judge

**AFFIRMED**

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COUNSEL

Arizona Attorney General's Office, Phoenix  
By Joseph T. Maziarz  
*Counsel for Appellee*

Wendy L. Mays, Phoenix  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Chief Judge Samuel A. Thumma joined.

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**T H O M P S O N**, Judge:

¶1 This case comes to us as 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 Miguel Angel Nieves (defendant) has advised us that, after searching the entire record, she has been unable to discover any arguable questions of law and has filed a brief requesting this court to conduct an *Anders* review of the record. Defendant has filed a supplemental brief *in propria persona*.

¶2 On March 4, 2016, neighbors overheard a loud verbal argument between a male and female that originated from defendant's home. Shortly thereafter, they heard glass shatter and then a loud bang followed by a woman gasping for air. The altercation lasted for approximately ten minutes, after which the neighbors observed defendant exit his home while talking on his phone with 911.

¶3 The victim, defendant's girlfriend, was transported to the emergency room where she was treated for a gunshot wound to the left side of her chest. Defendant testified that the shooting was an accident and that he believed he was shooting an intruder.

¶4 The state charged defendant with one count of aggravated assault, a class 3 dangerous felony and domestic violence offense, and unlawful discharge of a firearm, a class 6 dangerous felony. A jury convicted defendant of both counts. The trial court sentenced defendant to concurrent presumptive terms of 7.5 years' imprisonment for count 1, 2.25 years' imprisonment for count 2, and gave him 257 days of presentence incarceration credit.

¶5 We have read and considered defendant's *Anders* brief. Defendant argues that the prosecutor filed the complaint late in violation of

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Arizona Rule of Criminal Procedure 4.1(b), and thus the complaint and indictment should have been dismissed for lack of jurisdiction under the Arizona Revised Statutes § 13-4234(g), and that the prosecutor and judge violated ethical rules. Defendant further alleges that the preliminary hearing was waived without his consent in violation of Arizona Rule of Criminal Procedure 5.1(b). We have considered the issues raised by defendant and have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶6 We affirm the convictions and sentences.



AMY M. WOOD • Clerk of the Court  
FILED: AA