

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

STATE OF ARIZONA, *Appellee*,

v.

JAMES RODERICK SLAUGHTER, *Appellant*.

No. 1 CA-CR 18-0065
FILED 10-30-2018

Appeal from the Superior Court in Maricopa County
No. CR2017-131814-001
The Honorable Peter A. Thompson, Judge

AFFIRMED

COUNSEL

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

Maricopa County Public Defender's Office, Phoenix
By Lawrence S. Matthew
Counsel for Appellant

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MEMORANDUM DECISION

Judge Peter B. Swann delivered the decision of the court, in which Presiding Judge Randall M. Howe and Judge Jennifer M. Perkins joined.

S W A N N, Judge:

¶1 This is an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), from James Roderick Slaughter’s conviction and sentence for aggravated assault. Neither Slaughter nor his counsel identify any issues for appeal. We have reviewed the record for fundamental error. See *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders*, 386 U.S. 738; *State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999). We find none.

¶2 Slaughter was indicted for aggravated assault. He pled not guilty, and the matter proceeded to a jury trial.

¶3 At trial, the state presented evidence of the following facts. The Phoenix Fire Department received a “man down call” regarding Slaughter, who was laying on a shopping center sidewalk at midday in mid-summer. A crew arrived at the scene, and two uniformed firefighters, V.S. and J.H., approached Slaughter. V.S. told him that people were concerned for his welfare and that she wanted to assess him. Slaughter asked to be left alone and, becoming aggravated, accused the firefighters of harassing him. As one crewmember went to the truck to contact the police, Slaughter suddenly popped to his feet and charged at V.S., who had to push him away. J.H. stepped in between Slaughter and V.S., and Slaughter became more angry – yelling and swinging his arms wildly. Slaughter’s arm came down on J.H.’s face, cutting open his lip. Other crewmembers then restrained Slaughter until the police arrived.

¶4 The court denied Slaughter’s motion for a judgment of acquittal under Ariz. R. Crim. P. (“Rule”) 20. The jury found Slaughter guilty as charged, and the court sentenced him, as a category three repetitive offender, to the minimum term of three years’ imprisonment, with credit for 202 days of presentence incarceration.

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¶5 We detect no fundamental error. Slaughter was present and represented at all critical stages. The jury was properly comprised under A.R.S. § 21-102 and was properly instructed.

¶6 The jury's verdict was supported by sufficient evidence. A person commits assault by "intentionally, knowingly or recklessly causing any physical injury to another person." A.R.S. § 13-1203(A)(1). Simple assault becomes aggravated assault when the victim is a "firefighter . . . engaged in the execution of any official duties." A.R.S. § 13-1204(A)(8)(c). Here, the state's evidence established that Slaughter deliberately swung his arm in J.H.'s direction and that J.H. sustained a cut lip as a result. Further, the evidence established that Slaughter was aware that J.H., who was in uniform and arrived in a Phoenix Fire Department truck, was a firefighter acting in the course of his official duties. The court imposed a lawful sentence for the conviction under A.R.S. §§ 13-703(J), -712(B), -1203(A), and -1204(A)(8) and (E).

¶7 We therefore affirm. Defense counsel's obligations pertaining to this appeal have come to an end. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Unless, upon review, counsel discovers an issue appropriate for petition for review to the Arizona Supreme Court, counsel must only inform Slaughter of the status of this appeal and his future options. *Id.* Slaughter has 30 days from the date of this decision to file a petition for review *in propria persona*. *See* Rule 31.21(b)(2)(A). Upon the court's own motion, Slaughter has 30 days from the date of this decision in which to file a motion for reconsideration. *See* Rule 31.20(c).



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