

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

CALEB FEIL,
Appellant.

No. 1 CA-CR 20-0483
FILED 9-23-2021

Appeal from the Superior Court in Mohave County
No. S8015CR201801139
The Honorable Douglas Camacho, Judge *Pro Tempore*

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Linley Wilson
Counsel for Appellee

Harris & Winger, PC, Flagstaff
By Chad Joshua Winger
Counsel for Appellant

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MEMORANDUM DECISION

Judge David D. Weinzweig delivered the decision of the Court, in which Presiding Judge David B. Gass and Judge Michael J. Brown joined.

WEINZWEIG, Judge:

¶1 Caleb Feil appeals his convictions and sentences for two counts of aggravated assault, which were ultimately merged. After reviewing the record, and finding no arguable, non-frivolous issue, Feil’s counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), asking this court to search the record for fundamental error. Feil had a chance to file a supplemental brief but did not. We affirm Feil’s convictions and sentence after reviewing the record.

FACTS AND PROCEDURAL BACKGROUND

¶2 Feil and his girlfriend met some friends for dinner at Chili’s, including Claudia, who promised to cover their meals but left without doing so. Feil and his girlfriend drove to Claudia’s house, intending to collect for dinner. Claudia’s father (“Father”) answered the front door. Things deteriorated from there. Feil and Father shouted “pretty abrasive language, foul language” at one another. Father grabbed his handgun. Feil punched Father “in the mouth,” and his girlfriend wrestled Father to the ground. Feil and his girlfriend then pounced, breaking Father’s ribs and slamming Father’s head into the concrete surface.

¶3 The State charged Feil with one count of aggravated assault causing temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of a body part and one count of aggravated assault while the victim’s ability to resist was substantially impaired. The State alleged no prior convictions. Feil pled not guilty on both charges. After a two-day trial, the jury convicted Feil of a lesser included assault on one count and aggravated assault on the other. The court merged the convictions and sentenced Feil to three years’ probation and 30 days’ jail. Feil timely appealed. We have jurisdiction. *See* Ariz. Const., art. 6, sec. 9; A.R.S. §§ 12-120.21(A)(1), 13-4031 and -4033(A)(1).

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DISCUSSION

¶4 We have read and considered counsel's brief and have reviewed the record for reversible error. *See Leon*, 104 Ariz. at 300. We find none. Feil was present at all stages of the proceedings against him. He was represented by counsel at all critical stages. The record reflects that the superior court afforded Feil all his constitutional and statutory rights and that the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The court conducted appropriate pretrial hearings, and the evidence presented at trial and summarized above was enough to support the jury's verdict. Feil's sentence falls within the range prescribed by law.

CONCLUSION

¶5 Feil's conviction and sentence are affirmed. Counsel's obligations in this appeal will end once Feil is informed of the outcome and his future options, unless counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). On the court's own motion, Feil has 30 days from the date of this decision to proceed with a pro se motion for reconsideration or petition for review.



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