

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

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE



DIVISION ONE  
FILED: 12/14/2010  
RUTH WILLINGHAM,  
ACTING CLERK  
BY: GH

STATE OF ARIZONA, ) 1 CA-CR 09-0904  
)  
Appellee, ) DEPARTMENT C  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
) Rule 111, Rules of the  
JAMIE RAY FRANCISCO, ) Arizona Supreme Court)  
)  
Appellant. )  
)

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Appeal from the Superior Court in Mohave County

Cause No. CR-2009-00427

The Honorable Rick A. Williams, Judge

**AFFIRMED**

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

Jill L. Evans, Mohave County Appellate Defender Kingman  
Attorney for Appellant

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**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 Jamie Ray Francisco 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 us to conduct an *Anders* review of the record. Defendant was given an opportunity to file a supplemental brief, and has not filed one.

#### **FACTS<sup>1</sup>**

¶2 Defendant, his girlfriend, A.Y., and their two children lived together in an apartment. After asking him to help with the crying children at approximately 7:30 p.m., Defendant hit A.Y. in the stomach, punched her in the right arm, and stepped on her right arm while she was on the couch. He picked up a glass cup and threatened to hit her with it if she talked back. He then left the apartment and returned hours later smelling like liquor.

¶3 After Defendant returned, A.Y. told him that she wanted to be left alone to go to bed. Defendant told her that she was not going to go to bed because he was going to pick a fight. He picked up a fork and stood over A.Y. while she was on her knees. A.Y. testified that she thought Defendant was going to stab her in the head. After he went back into the kitchen, got a knife, and walked toward her, A.Y. fled to another apartment. Defendant also left the apartment.

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<sup>1</sup> We review the facts in the light most favorable to sustaining the verdict. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

¶4 A neighbor called the police. The police responded and arrested Defendant when he returned to his apartment about an hour later. He was charged with aggravated assault by domestic violence, a class 3 felony.

¶5 The case went to trial. In addition to testimony, the jury saw photographs of A.Y.'s bruises and scrapes. The jury convicted Defendant as charged. Because he had prior felony convictions, Defendant was subsequently sentenced to twelve years in prison: ten years for the offense, plus two years for being on release status at the time of the assault. He was also given 233 days of presentence incarceration credit.

¶6 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) (2003), 13-4031, and -4033(A)(1) (2010).

#### DISCUSSION

¶7 We have read and considered counsel's brief, and have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881.

¶8 We find no reversible error. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Defendant was represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits.

**CONCLUSION**

¶9 After this decision has been filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel need do no more than inform Defendant of the status of the appeal and Defendant's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Defendant can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶10 Accordingly, we affirm Defendant's conviction and sentence.

/s/

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MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

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MARGARET H. DOWNIE, Judge

/s/

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PATRICIA A. OROZCO, Judge