DIVISION ONE
FILED: 07/12/2011
RUTH A. WILLINGHAM, CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,	)	1 CA-CR 10-0854
	)	
Appellee,	)	DEPARTMENT A
	)	
v.	)	**MEMORANDUM DECISION**
	)	(Not for Publication -
TIESHUMA LAMAR GRIFFIN,	)	Rule 111, Rules of the
	)	Arizona Supreme Court)
Appellant.	)	
	)	

Appeal from the Superior Court in Maricopa County

Cause No. CR2010-108966-001 DT

The Honorable Glenn M. Davis, Judge

AFFIRMED

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

Bruce Peterson, Legal Advocate — Phoenix
By Thomas J. Dennis, Deputy Legal Advocate
Attorneys for Appellant

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 Tieshuma Lamar Griffin

(defendant) 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 that this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has not done so. For the following reasons, we affirm.

¶2 On February 16, 2010, defendant and L.M.,[1] his then girlfriend and the mother of their two children, began arguing about separating. At the time, defendant had been unemployed for approximately three years and had assumed parental responsibilities of his and L.M.'s children, as well as L.M.'s third child from a previous relationship. Defendant and L.M. stopped arguing to put the children to bed. Shortly thereafter, the argument resumed and L.H., L.M.'s co-worker and friend, arrived to make sure that L.M. was alright. Defendant then produced a revolver from his bedroom. After L.H. refused to leave at L.M.'s request, defendant went outside to speak with L.H. himself, and L.M. went back into the apartment.[2]

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[1] We use the initials of the victims' names to protect their privacy. *See State v. Maldonado*, 206 Ariz. 339, 341 n. 1, 78 P.3d 1060, 1062 n. 1 (App. 2003).

[2] The state named L.H. as a victim, alleging that defendant committed aggravated assault against her.

¶3 Defendant reentered the apartment and continued to argue with L.M. in the closet of the master bedroom. Defendant pointed the gun at his own head, threatening to harm himself, and then pointed the gun at L.M. and asked her to "give him a reason why he shouldn't shoot [her]." L.M. reminded defendant that she was the mother of their children and walked away. L.M. testified that she was afraid defendant would shoot her. Defendant then followed L.M. out of the apartment and threw an object at a large wall mirror, breaking the mirror, and swiped several picture frames, candles, and a wine glass off of a counter, breaking them as well. L.M. then left the apartment with the children.

¶4 While this transpired, L.H. flagged down a passing police cruiser and informed the officer of the situation. After defendant ignored the officer's commands to surrender, the officer radioed for backup, and a SWAT team was dispatched to the scene. Defendant surrendered after the SWAT team broke the apartment's glass arcadia door with a rubber bullet.

¶5 Defendant was charged with two counts of aggravated assault, class three dangerous felonies. As to L.M., the aggravated assault charge was alleged to be a domestic violence offense. Defendant was also charged with one count of threatening or intimidating, a class one misdemeanor and a domestic violence offense, and one count of criminal damage, a

class two misdemeanor and a domestic violence offense. A jury acquitted defendant on the aggravated assault charge against L.H., but convicted defendant on the three remaining counts. The jury found, as an aggravating factor, that the offense(s) involved the infliction or the threatened infliction of serious physical injury.[3]

¶6 The trial court sentenced defendant to five years in prison for the aggravated assault count and credited defendant with 225 days of presentence incarceration credit. As to counts three and four, threatening and intimidating and criminal damage, respectively, defendant was sentenced to incarceration in jail for 180 days and received 180 days of presentence incarceration credit.

¶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. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, defendant was adequately represented by counsel at all stages of the proceedings, 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

[3] The state alleged two other aggravating factors that the jury rejected.

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 desires, with an *in propria persona* motion for reconsideration or petition for review.

¶8 We affirm the convictions and sentences.

/s/
_____
JON W. THOMPSON, Judge

CONCURRING:

/s/
_____
DIANE M. JOHNSEN, Presiding Judge

/s/
_____
MARGARET H. DOWNIE, Judge