

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

FILED BY CLERK

FEB 13 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0209
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
WESLEY ALLEN REED,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CR201100019

Honorable Peter J. Cahill, Judge

AFFIRMED

Emily Danies

Tucson
Attorney for Appellant

K E L L Y, Judge.

¶1 After a jury trial, appellant Wesley Reed was convicted of aggravated assault, first-degree criminal trespass, two counts of threatening and intimidating, and criminal damage, all offenses involving domestic violence. The trial court sentenced Reed to aggravated, concurrent prison terms on the felony offenses and jail terms on the misdemeanors; the longest period of incarceration was a ten-year term of imprisonment. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has found “[n]o arguable question of law” to raise on appeal and asking this court to search the record for fundamental error.

¶2 Viewed in the light most favorable to sustaining the jury’s verdicts, *see State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008), the evidence established that on the day of the offenses, Reed had been intoxicated, had become enraged, and had threatened, intimidated and assaulted B., his eighty-year-old grandmother with whom he had been living, by shouting obscenities at her, using threatening language, kicking furniture, throwing a straw hat at her, and holding a knife with a four-inch blade about an inch or two from her chest after she told him to leave. He similarly threatened and intimidated T., his mother, who had come to the home to help B. Reed also hit the door to B.’s home with a metal object, and cracked it by kicking at it after the women locked him out and told him he was not allowed to come back in. He then climbed onto the roof and entered through an upstairs window. Thus, there was reasonable evidence from which the jurors could find he had committed the charged offenses. *See* A.R.S. §§ 13-3601 (defining domestic violence offenses); 13-1602(A)(1),

(B) (defining criminal damage); 13-1504(A)(1), (B) (defining criminal trespass); 13-1204(A)(2), (B) (defining aggravated assault); 13-1202(A), (B) (defining threatening and intimidating).

¶3 After reviewing the record as requested, including the sentencing record, we have found no error that can be characterized as fundamental, prejudicial error. *See State v. Henderson*, 210 Ariz. 561, ¶¶ 19-20, 115 P.3d 601, 607 (2005). We therefore affirm the convictions and the sentences imposed.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge