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SEP 16 2013
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA, Appellee, v. CARLOS D. AUSTIN, Appellant.	)	2 CA-CR 2013-0029 DEPARTMENT B MEMORANDUM DECISION Not for Publication Rule 111, Rules of the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR201000401

Honorable James L. Conlogue, Judge

AFFIRMED

Zohlmann Law Offices
By Robert J. Zohlmann
Tombstone
Attorney for Appellant

E S P I N O S A, Judge.

¶1 Carlos Austin was convicted after a jury trial of two counts of sexual conduct with a minor twelve years of age or younger, both dangerous crimes against children, and sentenced to consecutive terms of life imprisonment, with no possibility of release for thirty-five years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating he has reviewed the record but found "no tenable issue to raise on appeal" and asking this court "to review the record for potential error." Austin has not filed a supplemental brief.

¶2 Viewed in the light most favorable to upholding the jury's verdicts, *see State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008), the evidence established that Austin had sexual intercourse with the twelve-year-old victim numerous times, including on or about April 16, 2010, and on or about April 21, 2010. This evidence is sufficient to support the jury's verdicts, and Austin's sentences are within the prescribed statutory range and were lawfully imposed. A.R.S. §§ 13-705(A), 13-1405(A), (B).

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and considered all potential issues. Such issues include the trial court's denial of Austin's request for a jury questionnaire before voir dire and its overruling of Austin's objection to purported "vouching" for the victim's credibility by the victim's mother, to which counsel has drawn our attention but correctly characterized as frivolous. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error); *Leon*, 104 Ariz. at 299, 451 P.2d 881 (counsel may

refer in *Anders* brief "'to anything in the record that might arguably support the appeal'"), *quoting Anders*, 386 U.S. at 744. We have found no error. Thus, Austin's convictions and sentences are affirmed.

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

CONCURRING:

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

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge