

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
SEP 16 2013
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2013-0045
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
FRANCISCO RAMON RASCON,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR201200071

Honorable James L. Conlogue, Judge

AFFIRMED

Law Office of Daniel DeRienzo, PLLC
By Daniel J. DeRienzo

Prescott Valley
Attorney for Appellant

ESPINOSA, Judge.

¶1 After a jury trial, appellant Francisco Rascon was convicted of possession of a deadly weapon by a prohibited possessor. The trial court found he had one historical prior felony conviction and sentenced him to an enhanced, presumptive, 4.5-year prison term. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738

(1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating he has reviewed the record and has found no error or arguable questions of law to raise on appeal. He asks this court to search the record for reversible error. Rascon has not filed a supplemental brief.

¶2 We view the evidence in the light most favorable to sustaining the jury's verdicts. *State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008). On July 20, 2011, Douglas Police Department Officer M. Villa suspected Rascon of driving on a suspended license and followed him until Rascon pulled into a residential driveway and parked. C.G., Rascon's passenger, testified that as Rascon was pulling into the driveway, he produced a handgun and ammunition and "threw them" into her purse, which was open on the console. C.G. had reported this to Villa before he left the scene, and a functioning handgun, a magazine, and bullets were found in C.G.'s purse. A latent print examiner with the Arizona Department of Public Safety Laboratory testified that a latent fingerprint found on the gun matched Rascon's index finger. A Cochise County Adult Probation Officer testified that on July 20, 2011, Rascon had been on probation for a felony offense.

¶3 We conclude substantial evidence supported Rascon's conviction, *see* A.R.S. §§ 13-3101(A)(7)(d); 13-3102(A)(4), and his sentence was authorized by law, *see* A.R.S. § 13-703(B)(2) and (I). In our examination of the record, we have found no fundamental or reversible error and no arguable issue warranting further appellate review.

See Anders, 386 U.S. at 744. Accordingly, Rascon’s conviction and sentence 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