

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

ANTHONY RAY ESCALANTE,  
*Appellant.*

No. 2 CA-CR 2014-0438  
Filed October 13, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.*

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Appeal from the Superior Court in Pima County  
No. CR20131545001  
The Honorable Kenneth Lee, Judge

**AFFIRMED**

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COUNSEL

Steven R. Sonenberg, Pima County Public Defender  
By Michael J. Miller, Assistant Public Defender, Tucson  
*Counsel for Appellant*

STATE v. ESCALANTE  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Howard authored the decision of the Court, in which Presiding Judge Vásquez and Judge Brammer<sup>1</sup> concurred.

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H O W A R D, Judge:

¶1 Following a jury trial, appellant Anthony Escalante was convicted of possession of a deadly weapon by a prohibited possessor and two counts each of kidnapping, aggravated assault, aggravated robbery, and armed robbery. The trial court imposed enhanced, presumptive, concurrent prison terms, the longest of which was 10.5 years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating he has reviewed the record and “has been unable to find any arguably meritorious issue to raise on appeal.” Counsel has asked us to search the record for fundamental error.

¶2 In a supplemental, pro se brief Escalante argues “there is insufficient evidence” to sustain his conviction “due to inconsist[ent and] improbable accounts of what happened” from certain witnesses. He also suggests the prosecutor committed misconduct by leading the witnesses.

¶3 Viewed in the light most favorable to sustaining the verdict, however, the evidence was sufficient to support the jury’s finding of guilt. See *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence showed Escalante and several others entered a hotel room occupied by several victims; they threatened the victims, physically assaulted two of them with pistols, and took

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<sup>1</sup>The Hon. J. William Brammer, Jr., a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

STATE v. ESCALANTE  
Decision of the Court

various possessions from them, including money and cellular telephones. When the others left the room with one of the victims, E., Escalante, who had a gun and was on probation, remained in the room, keeping the other victims inside. When E. attempted to run away, she was shot. Escalante's argument in his supplemental brief amounts to a request for this court to reweigh the evidence presented at trial; that we will not do. *See State v. Lee*, 189 Ariz. 590, 603, 944 P.2d 1204, 1217 (1997).

¶4 Furthermore, we conclude the sentences imposed are within the statutory limit and were imposed lawfully. *See* A.R.S. §§ 13-704; 13-708; 13-1204(A)(2); 13-1304(A)(4); 13-1903; 13-1904; 13-3102(A)(4). Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none.

¶5 We affirm Escalante's convictions and sentences.