IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JULEY SCOTT WILLIAMS,
Appellant.

No. 2 CA-CR 2014-0365
Filed January 29, 2016

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NOT FOR PUBLICATION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.

Appeal from the Superior Court in Pima County
No. CR20124505001
The Honorable Howard Fell, Judge Pro Tempore
The Honorable Casey F. McGinley, Judge Pro Tempore

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
Joseph T. Maziarz, Section Chief Counsel, Phoenix
By Amy M. Thorson, Assistant Attorney General, Tucson
Counsel for Appellee

The Law Offices of Stephanie K. Bond, P.C., Tucson
By Stephanie K. Bond
Counsel for Appellant

MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Howard and Judge Staring concurred.

E S P I N O S A, Judge:

¶1 After a jury trial, Juley Williams was convicted of aggravated assault causing serious physical injury and aggravated assault with a deadly weapon or dangerous instrument. The trial court imposed presumptive, concurrent sentences of 11.25 years' imprisonment. On appeal, Williams contends the trial court erred by denying his trial counsel's motion to withdraw, by failing to properly instruct the jury so as to cure a duplicitous indictment, and by denying his motion for judgment of acquittal pursuant to Rule 20, Ariz. R. Crim. P. For the following reasons, we affirm.

Factual and Procedural Background

¶2 We view the facts in a light most favorable to sustaining the verdicts. *See State v. Bible*, 175 Ariz. 549, 595, 858 P.2d 1152, 1198 (1993). In November 2012, J.R. and her fiancé C.B. were outside a Tucson drugstore when J.R. was confronted by another woman, C.M., with whom she had argued a couple of days earlier. C.M., who is Williams's wife, was accompanied by J.M., Williams's nephew. The women's argument grew physical, and C.B. stepped between them. As he did, J.M. "swung" at him, and C.B. responded by grabbing J.R.'s four-point cane and "sw[inging] it at [J.M.]." J.M. yelled for "New York" to "come and help," and Williams, who is also known as "New York," ran up to the group, stabbed C.B. in the chest with a knife or other sharp object and departed with C.M. and J.M. C.B. was subsequently transported to a hospital where doctors

discovered his heart had been pierced, requiring immediate open-heart surgery.

¶3 Williams was later charged with aggravated assault causing serious physical injury and aggravated assault with a deadly weapon or dangerous instrument. He was convicted of the charges and sentenced as described above. We have jurisdiction over his appeal pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031, and 13-4033(A)(1).

Motion to Withdraw

¶4 Williams first argues the trial court erred by denying his trial counsel's June 2014 motion to withdraw from representing him. At the time of Williams's arraignment in December 2012, the trial court had appointed public defender John O'Brien as his counsel. In February 2013, Williams filed a motion requesting new counsel and stating: "The relationship between [Williams] and . . . O'Brien deteriorated to the point that the attorney-client relationship was irreparably damaged and on January 30, 201[3], [Williams] demanded that he be assigned a new lawyer." According to the motion, Williams's representation was then transferred to public defender Julie Tolleson, with whom Williams spoke twice before telephoning a supervisor at the public defender's office to report that "[Tolleson], like . . . O'Brien and other attorneys in th[e] office were all 'liars'" and "he did not wish to be represented by anyone from the [o]ffice." The court granted the motion and appointed the Legal Defender's Office to represent Williams.

¶5 In April 2013, legal defender George Erickson filed a motion to withdraw as Williams's attorney of record stating, "Williams contends that the attorney client relationship is irretrievably broken." The trial court granted the motion and appointed Bobbi Berry as Williams's new counsel, but "admonished that [there be] no further requests for another attorney."

¶6 In October 2013, Williams filed a pro per "motion to withdraw counsel," requesting that "Berry be permitted to

withdraw" and that the court "appoint other appropriate counsel." The motion stated:

> The relationship between [Williams] and . . . Berry deteriorated to the point the attorney-client relationship is irreparably damaged. [Berry] failed to communicate effectively and has "lied" to the State Bar of Arizona about attorney-client visitation and correspondence . . . . Ms. Berry is a "liar" and [Williams] believes [she] is working with the State. . . . [T]here is a conflict of interest and the attorney-client relationship is beyond repair.

At a hearing on the matter, the trial court again granted Williams's motion and appointed Leo Plowman to represent him, but admonished him that "new counsel will no longer be provided after the appointment of counsel this date."

¶7 On June 11, 2014, approximately one month before trial was scheduled to begin and upon Williams's request, Plowman filed a motion to withdraw, noting he was Williams's fifth appointed attorney and Williams had filed a complaint against him with the State Bar of Arizona, "alleging that counsel [wa]s not performing his duties" and that "Williams ha[d] filed Bar complaints against previous counsel and against the assigned County Attorney as well." He stated "[i]t is clear from conversations between counsel and . . . Williams that . . . [he] does not appreciate counsel's efforts or trust his abilities." Plowman also reported that he "consulted with . . . Williams . . . on more than ten occasions. . . . [and wa]s . . . in the process of preparing the case for trial and w[ould] represent [Williams] at trial if ordered to continue as counsel of record by the Court." "However," he disclosed, "Williams has filed the Bar complaint against counsel, and [counsel] believes this fact must be brought before the Court."

¶8 At a June 20 hearing on the motion, Plowman told the trial court:

> I stated in my motion about the actions that were taken by . . . Williams [which] also happened to previous counsel. It's an MO, quite frankly. Every time we get ready to go to trial or we do something in the case, then there's something we haven't done.
>
> As you know, we were here on March 11 to go to trial, and then it was told to me, quite to my shock, because I was the fifth attorney and had visited with Mr. Williams seven or eight times at the county jail, that he did not have disclosure. And I was stunned by that. And the Court ordered that at that time. So I went and got the entire file copied and got it to him.
>
> And it seems like the MO here is to just always delay.
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> I am prepared to go to trial on the 15th of July. However, I believe it was absolutely essential that I bring this matter before the Court because an adversarial position has been created by the defendant.

Plowman further stated that, after Williams "filed [the] paperwork against [him]" three weeks earlier, he "ha[d] not gone to see [Williams] because [he] believe[d he would] be putting [himself] in a compromising position until the Court rules [on his motion to withdraw]."

¶9 Williams then addressed the trial court about his ability to review "the disclosure," saying Plowman was "telling you he's given me, no, he hasn't. What he gave me is what I already had." He continued, "I've told him that I would like to get—I would like to hear my audios, I would like to see the pictures, I would like to know whatever I got coming." The court responded:

> You have been given ample opportunity to meet with competent and effective counsel and that, as we get closer to certain hearing dates, you allege things against those counsel based on the same allegations every single time[,] . . . [and] this is no more than just an attempt by you to delay the proceedings. . . . [T]he fact that you have filed paperwork against [counsel] is not sufficient to have [counsel] withdraw from the case, because you could just do that in the future.

The court then denied the motion to withdraw.

¶10 The Sixth Amendment guarantees criminal defendants the right to representation by competent counsel. U.S. Const. amend. VI; *see also* Ariz. Const. art. II, § 24; A.R.S. § 13-114(2); Ariz. R. Crim. P. 6.1; *State v. Torres*, 208 Ariz. 340, ¶ 6, 93 P.3d 1056, 1058 (2004). An indigent defendant, however, "'is not entitled to counsel of choice, or to a meaningful relationship with his or her attorney.'" *State v. Hernandez*, 232 Ariz. 313, ¶ 12, 305 P.3d 378, 383 (2013), *quoting State v. Gomez*, 231 Ariz. 219, ¶ 19, 293 P.3d 495, 500 (2012). "The presence of an irreconcilable conflict or a completely fractured relationship between counsel and the accused ordinarily requires the appointment of new counsel." *State v. Cromwell*, 211 Ariz. 181, ¶ 29, 119 P.3d 448, 453 (2005); *see also State v. Henry*, 189 Ariz. 542, 546-47, 944 P.2d 57, 61-62 (1997). "To satisfy this burden, the defendant must present evidence of a 'severe and pervasive conflict with his attorney or evidence that he had such minimal contact with the attorney that meaningful communication was not possible.'" *Hernandez*, 232 Ariz. 313, ¶ 15, 305 P.3d at 384, *quoting United States v. Lott*, 310 F.3d 1231, 1249 (10th Cir. 2002). A defendant's "proclivity to change counsel lends strong support to the judge's decision" to deny him substitute counsel. *Henry*, 189 Ariz. at 547, 944 P.2d at 62 ("When a defendant has repeatedly claimed 'irreconcilable conflict' with a series of attorneys, the court may deny

a motion for yet another lawyer where the orderly administration of justice so requires.").

¶11 In this case, Williams claims the relationship between himself and Plowman was "completely fractured." He points to his filing of a bar complaint against Plowman; Plowman's response to the complaint, i.e., temporarily ceasing communication with Williams; and Plowman's statement that "it was Williams' fault that '[e]very time we get ready to go to trial or we do something in the case, then there's something we haven't done'" and Williams's response that he still lacked disclosure, contrary to counsel's statements to the court. It is undisputed, however, that Plowman was Williams's fifth appointed attorney and that Williams had asserted similar claims as to each prior attorney-client relationship, alleging the relationship was "irreparably damaged" or "irretrievably broken" or that the attorney was a "liar." And the record shows Williams sought and was appointed new counsel each time. *See id.*

¶12 Further, the motions for withdrawal filed in this case indicate that Williams had brought bar complaints against prior attorneys as well as the prosecutor. As the state notes, the filing of a bar complaint does not itself create the irreconcilable conflict required for removal of the attorney. *See id.* at 549, 944 P.2d at 64 (as matter of public policy, defendant's filing bar complaint against his attorney does not mandate removal of attorney; "[a] rule to the contrary would encourage the filing of such complaints solely for purposes of delay."), *citing State v. Michael*, 161 Ariz. 382, 385, 778 P.2d 1278, 1281 (App. 1989). Certainly, then, the repeated filing of such complaints would not create an irreconcilable conflict. *Cf. id.* at 547, 944 P.2d at 62. Further, the trial court could properly find that Williams's and Plowman's grievances about each other at the hearing did not rise to the level of an "irreconcilable conflict" and could be resolved. *See Cromwell*, 211 Ariz. 181, ¶ 37, 119 P.3d at 455 ("we defer to the discretion of the trial judge who has seen and heard the parties to the dispute"). On this record, therefore, the trial court was not required to yet again appoint new counsel based on

an alleged "irreconcilable conflict" between Williams and Plowman. *See id.* ¶ 29.

¶13 Williams also contends he was denied his Sixth Amendment right to conflict-free counsel, *see State v. Moore*, 222 Ariz. 1, ¶ 76, 213 P.3d 150, 164 (2009), when the court found that his bar compliant against Plowman was insufficient to require new counsel. "To succeed on a conflict of interest claim, a defendant must prove the existence of an actual conflict that adversely affected counsel's representation." *Id.* ¶ 82. To show an actual conflict, a defendant must demonstrate that a plausible alternative defense strategy or tactic might have been pursued absent the alleged conflict. *Id.* Williams asserts that "defense counsel basically admitted putting his personal interest above Williams' interest when he claimed that he did not see Williams in the past three weeks" to avoid being placed in "'a compromising position until the Court rules.'" But this does not meet the *Moore* standard.

¶14 The record reflects that Plowman, Williams's fifth appointed attorney, had met with Williams "on more than ten occasions" before filing his motion to withdraw. And, upon filing the motion, Plowman stated he would "proceed[] as if he w[ould be] represent[ing] . . . Williams at trial." Although there was undisputedly a several-week break in communications between Williams and his counsel, it was a result of Williams's own actions, and he has not shown it resulted in anything on the order of a lost defense strategy or tactic.[1] *See id.* ¶¶ 82-83. The trial court did not err by denying Williams new counsel based on a conflict of interest.

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[1] Williams notes that "[t]o be able to adequately make fundamental decisions regarding . . . whether to plead guilty or whether to testify at trial, [he] needed to see the evidence against him, especially his statements, other witnesses' statements, the store video and the photographs." He does not allege, however, that any such decisions were compromised by the three-week break in communications with counsel or that his counsel did not eventually supply him with any necessary documents, recordings, photographs and videos in sufficient time for him to make those decisions.

¶15 Williams further maintains he "tried to explain to the Judge the problem he had with defense counsel; however, the Judge stopped [him] from making an additional record for [t]his appeal[;] Williams should not be penalized because the Judge decided not to allow him to continue speaking." This claim is without merit. Although a trial court has the duty to learn the basis of a defendant's request for substitution of counsel, *Torres*, 208 Ariz. 340, ¶ 7, 93 P.3d at 1059, the record shows that the court interrupted Williams only when he ceased discussing the case at issue and began requesting documents from another case in which he had already pled guilty. We therefore cannot say the trial court erred by cutting Williams off.

¶16 Williams lastly maintains generally that the conflict "reduced [his] attorney's effectiveness" leading counsel to fail to "adequately prepare or advocate for [him]." However, as the state points out, ineffective assistance of counsel claims may not be brought on appeal, but may only be raised in post-conviction relief proceedings. *See State v. Spreitz*, 202 Ariz. 1, ¶ 9, 39 P.3d 525, 527 (2002) (ineffective assistance of counsel claims must be brought in Ariz. R. Crim. P. 32 proceedings).

Duplicitous Indictment and Charges

¶17 Williams next contends "the indictment and the charges for both counts were duplicitous, resulting in fundamental, reversible error due to the potential of a non[-]unanimous jury verdict." Because he failed to raise this argument below, he has forfeited review for all but fundamental, prejudicial error. *See State v. Henderson*, 210 Ariz. 561, ¶¶ 19–20, 115 P.3d 601, 607 (2005); *see also State v. Butler*, 230 Ariz. 465, ¶ 12, 286 P.3d 1074, 1079 (App. 2012). But, a violation of a defendant's right to a unanimous jury verdict constitutes such error. *See State v. Paredes–Solano*, 223 Ariz. 284, ¶ 22, 222 P.3d 900, 907-08 (App. 2009).

¶18 A duplicitous indictment charges two or more offenses in a single count. *Id.* ¶ 4. Similarly, a duplicitous charge occurs "[w]hen the text of an indictment refers only to one criminal act, but multiple alleged criminal acts are introduced to prove the charge." *State v. Klokic*, 219 Ariz. 241, ¶ 12, 196 P.3d 844, 847 (App. 2008). The

potential problems posed by either error include the risk of a non-unanimous jury verdict. *See id.* Duplicity is a question of law we review de novo. *See State v. Ramsey*, 211 Ariz. 529, ¶ 5, 124 P.3d 756, 759 (App. 2005).

¶19 As to count one, the indictment alleged "Williams assaulted [C.B.] causing serious physical injury, in violation of A.R.S. § 13-1204(A)(1)" and, as to count two, it alleged "Williams assaulted [C.B.] with a deadly weapon or dangerous instrument, to wit: a knife, in violation of A.R.S. § 13-1204(A)(2)." To prove an aggravated assault under § 13–1204(A), the state must establish a simple assault under A.R.S. § 13–1203. *See State v. James*, 231 Ariz. 490, n.4, 297 P.3d 182, 185 n.4 (App. 2013). A simple assault occurs if a defendant:

> 1. Intentionally, knowingly or recklessly caus[es] any physical injury to another person; or
>
> 2. Intentionally plac[es] another person in reasonable apprehension of imminent physical injury; or
>
> 3. Knowingly touch[es] another person with the intent to injure, insult or provoke such person.

§ 13–1203(A). These three types of simple assault are distinct offenses with different elements, not merely different manners of committing the same offense. *See State v. Delgado*, 232 Ariz. 182, ¶ 22, 303 P.3d 76, 82 (App. 2013); *In re Jeremiah T.*, 212 Ariz. 30, ¶ 12, 126 P.3d 177, 181 (App. 2006) ("[T]he three subsections of § 13-1203(A) are . . . different crimes."). Therefore, the state must allege the specific type of assault under § 13–1203(A). *See State v. Sanders*, 205 Ariz. 208, ¶ 48, 68 P.3d 434, 445 (App. 2003), *overruled in part on other grounds by State v. Freeney*, 223 Ariz. 110, 219 P.3d 1039 (2009). Williams's indictment, although not facially duplicitous, was

insufficient for its failure to identify the alleged underlying simple assaults.[2]

¶20 However, even a duplicitous indictment does not necessarily require reversal absent proof of actual prejudice. *Paredes–Solano*, 223 Ariz. 284, ¶ 17, 222 P.3d at 906. "[T]he error potentially resulting from such an indictment may be cured when the basis for the jury's verdict is clear, when the state elects for the jury which act constitutes the crime, or when the trial court instructs the jury that it must agree unanimously on the specific act constituting the crime." *Id*. Further, a potentially duplicitous charge need only be remedied if evidence at trial renders the charge duplicitous. *See Klokic*, 219 Ariz. 241, ¶ 14, 196 P.3d at 847. Williams contends the jury's verdicts may have been non-unanimous because each aggravated assault instruction allowed the jury to decide between two types of simple assault, that is, they might find that Williams "intentionally put another person in reasonable apprehension of immediate physical injury" or that he "intentionally, knowingly or recklessly caused physical injury to another." Williams asserts that the trial court's failure to take

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[2] Although Williams characterizes the indictment as duplicitous, it is more accurately described as insufficient. *Compare State v. Kelly*, 149 Ariz. 115, 116-17, 716 P.2d 1052, 1053-54 (App. 1986) (indictment duplicitous that charged defendant with committing single aggravated assault by both pointing rifle at victim and by causing physical injury to victim with knife), *with Sanders*, 205 Ariz. 208, ¶ 47, 68 P.3d at 445 (simple assault presented as a single element insufficient notice for charging purposes), *and State v. Waller*, 235 Ariz. 479, n.9, 333 P.3d 806, 816 n.9 (App. 2014) ("Although not duplicitous, the indictment could be characterized as vague or indefinite because it did not specify the nature of the underlying assault."). Like a duplicitous indictment, an insufficient indictment fails to provide the defendant with specific notice of the type of assault he must prepare to defend against. *See Sanders*, 205 Ariz. 208, ¶ 48, 68 P.3d at 445.

curative measures led to "a substantial risk of non[-]unanimous verdicts," resulting in fundamental, prejudicial error.

¶21 We disagree. Here, the basis for the jury's verdict was clear. *See Paredes–Solano*, 223 Ariz. 284, ¶ 17, 222 P.3d at 906. The evidence at trial showed that Williams approached C.B., stabbed a sharp object with a handle into his chest, and seconds later "dripping" blood was heard and C.B. collapsed with a triangular shaped wound in his chest. There was no evidence, nor did the state argue, that Williams put C.B. in fear of injury. *Cf. Klokic*, 219 Ariz. 241, ¶ 14, 196 P.3d at 847 (remedial measures required to assure jury unanimity if state introduces evidence of multiple criminal acts to prove single charge). Although Williams undisputedly ran up to the group, there was no testimony that he brandished a knife or was otherwise threatening. Indeed, none of the witnesses saw a knife until C.B. had been stabbed. Williams points out he had told officers that he pushed C.B. and argues "some jurors could have believed that the act of pushing C.B. placed him in reasonable apprehension of immediate physical injury." But, contrary to his assertion in his reply brief, Williams did not testify, his prearrest statement to police was self-serving and hearsay, he also initially denied being at the scene at all, and this second-hand account was contradicted by more reliable evidence.[3] In view of the evidence at trial, all jurors would have reasonably found that Williams "[i]ntentionally, knowingly or recklessly caus[ed] a[] physical injury to [C.B.]".[4] *See* § 13-1203(A).

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[3]In his reply brief, Williams also suggests, "[t]he fact that the jury did not find that the State proved Count two was a dangerous offense is . . . in conflict with [the state's] assertion that no rational jury could have found anything other than Williams caused physical injury to C.B." Because we generally do not address issues first raised in a reply brief, and because Williams provides no analysis or discussion, we do not address the point further. *See State v. Moody*, 208 Ariz. 424, n.9, 94 P.3d 1119, 1147 n.9 (2004); *State v. Brown*, 233 Ariz. 153, ¶ 28, 310 P.3d 29, 39 (App. 2013).

[4] Although ultimately harmless given the evidence and arguments at trial, we recognize that the language in the jury

He has not therefore sustained his burden of showing prejudice. *See Delgado*, 232 Ariz. 182, ¶ 19, 303 P.3d at 82 (defendant establishes prejudice by demonstrating jury may have reached non-unanimous verdict).

¶22 Finally, Williams contends "there was a real possibility that the jury reached a non[-]unanimous verdict" because both jury instructions on aggravated assault included one method of committing simple assault which "contained three mental states," that is, that Williams "intentionally, knowingly or recklessly caused physical injury" to C.B. As the state points out, however, "statutes that prohibit one act committed with different mental states are construed as defining a single offense." *State v. Valentini*, 231 Ariz. 579, ¶¶ 10-11, 299 P.3d 751, 754 (App. 2013) (three mental states applicable for second-degree murder simply alternate means of satisfying mens rea element of the single crime).

¶23 Also, under Arizona law, "[i]f acting recklessly suffices to establish an element [of an offense], that element also is established if a person acts intentionally or knowingly." A.R.S. § 13-202(C). Because an act committed "recklessly" includes any act committed "intentionally" or "knowingly," even had some jurors found Williams acted intentionally or knowingly in causing C.B.'s physical injury, all jurors would have unanimously agreed Williams had acted recklessly. *See Valentini*, 231 Ariz. 579, ¶ 12, 299 P.3d at 755. Thus, the fact that the jury instructions provided that a simple assault causing physical injury could be committed with any of three culpable mental states did not deprive Williams of a unanimous jury verdict.

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instructions relating to apprehension of physical injury, § 13-1203(A)(2), was unnecessary and omitting it from the instructions would have been preferable in order to avoid any potential for confusion.

Sufficiency of the Evidence

¶24 Williams also contends the trial court erred in denying his motion for a judgment of acquittal pursuant to Rule 20, Ariz. R. Crim. P., because the state presented insufficient evidence to support his convictions. He argues the state failed to prove the essential elements of the offenses because the evidence showed C.B. "was fighting with other black men in addition to Williams" and that the only witness "who testified that she saw Williams with a knife" "was contradicted by her statement to the police on the night of the incident wherein she said she did not see 'the tool.'"

¶25 Whether sufficient evidence was presented to sustain the verdicts is a question of law that we review de novo. *See State v. West*, 226 Ariz. 559, ¶ 15, 250 P.3d 1188, 1191 (2011). "'[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *Id.* ¶ 16, *quoting State v. Mathers*, 165 Ariz. 64, 66, 796 P.2d 866, 868 (1990) (emphasis omitted). Evidence is substantial if a rational juror could find the elements of the crime proved beyond a reasonable doubt, considering both direct and circumstantial evidence. *See id.* "'To set aside a jury verdict for insufficient evidence it must clearly appear that upon no hypothesis whatever is there sufficient evidence to support the conclusion reached by the jury.'" *State v. Borquez*, 232 Ariz. 484, ¶ 9, 307 P.3d 51, 54 (App. 2013), *quoting State v. Arredondo*, 155 Ariz. 314, 316, 746 P.2d 484, 486 (1987). "We do 'not reweigh the evidence to decide if [we] would reach the same conclusions as the trier of fact.'" *Id.*, *quoting State v. Barger*, 167 Ariz. 563, 568, 810 P.2d 191, 196 (App. 1990) (alteration in *Borquez*).

¶26 At trial, the state presented evidence of an altercation between two white females, J.R. and C.M., which came to include two black men, C.B. and a "younger man," J.M. After J.M. called "New York" to "come and help," a "shorter," "light skinned" black man ran up and hit C.B. in the chest and, "as soon as he hit him, [C.B.] went down." One witness, bystander J.P., testified she had seen "New York" "run up[] and . . . stick[] something in [C.B.'s]

chest" and had seen the handle of an instrument she believed was a knife. And bystander J.G. testified "New York" had "come flying through the air" and she had "heard something hit [C.B.'s] chest"; "after everybody had fled," she saw C.B. was bleeding. When she looked at the wound, she "thought it was [made with] a knife because of the stab." Two witnesses to the incident identified Williams as "New York" and J.R. and J.P. testified that C.B. had appeared to be fine before Williams ran up to him. Police later found C.B.'s blood on clothing identified as having been worn by Williams during the incident. C.B.'s surgeon testified that the heart injury C.B. had suffered "is universally fatal" and that "without surgical treatment . . . the patient dies rapidly." This evidence was sufficient to support the jury's verdicts of aggravated assault causing serious physical injury and aggravated assault with a deadly weapon or dangerous instrument.

¶27 Williams nevertheless argues that J.P., "the only person who testified that she saw Williams with a knife," had made a contradictory statement to the police on the night of the incident, stating she had not seen "the tool." He notes that J.P. testified: "I think I was pretty . . . accurate when I talked to the police. It has just been so long that . . . you kind of forget," and stated at the time of her police interview, "[w]e were all kind of shaken up, you know." Although Williams implies J.P.'s testimony was discredited by these statements, "'[n]o rule is better established than that the credibility of the witnesses and the weight and value to be given to their testimony are questions exclusively for the jury.'" *State v. Cox*, 217 Ariz. 353, ¶ 27, 174 P.3d 265, 269 (2007), *quoting State v. Clemons*, 110 Ariz. 555, 556–57, 521 P.2d 987, 988–89 (1974). The jury here apparently credited J.P.'s statements and Williams has demonstrated no basis for interfering with its verdicts.

Disposition

¶28 For all of the foregoing reasons, Williams's convictions and sentences are affirmed.