

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

FRANCISCO JAVIER ROSALES JR.,
Appellant.

Nos. 2 CA-CR 2015-0155 and CR 2015-0178 (Consolidated)
Filed April 22, 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NOT FOR PUBLICATION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. CR20132073001
The Honorable Deborah Bernini, Judge

AFFIRMED

COUNSEL

Steven R. Sonenberg, Pima County Public Defender
By Abigail Jensen, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

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

H O W A R D, Presiding Judge:

¶1 After a jury trial, Francisco Rosales Jr. was convicted of two counts of assault, both domestic violence offenses. The trial court suspended the imposition of sentence and placed Rosales on concurrent, three-year terms of probation.

¶2 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), asserting she has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for error. Rosales has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. In May 2013, Rosales punched and kicked his former girlfriend, beat her with a metal baton, and choked her until she became unconscious.¹ A.R.S. §§ 13-1203(A)(1); 13-3601(A). The terms of his probation are authorized by statute and were imposed in a lawful manner. *See* A.R.S. §§ 13-901(A), (B); 13-902(A)(5); 13-1203(B).

¹The state alleged Rosales had committed two counts of aggravated assault. The jury acquitted Rosales of aggravated assault, instead finding him guilty of the lesser-included offense of assault.

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¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Accordingly, we affirm Rosales's convictions and disposition.