

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSE PEDRO MOLINA-DURNGIN,
Appellant.

No. 2 CA-CR 2016-0174
Filed February 8, 2017

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NOT FOR PUBLICATION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. CR20143825001
The Honorable Casey F. McGinley, Judge Pro Tempore

AFFIRMED

COUNSEL

Emily Danies, Tucson
Counsel for Appellant

STATE v. MOLINA-DURNGIN
Decision of the Court

MEMORANDUM DECISION

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

M I L L E R, Judge:

¶1 Following a jury trial, appellant Jose Molina-Durngin was convicted of theft by extortion, kidnapping, and aggravated assault. The trial court sentenced him to 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 she has reviewed the record and has found no “arguable question of law” to raise on appeal. Counsel has asked us to search the record for fundamental error. Molina-Durngin has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Delgado*, 232 Ariz. 182, ¶ 2, 303 P.3d 76, 79 (App. 2013). The evidence presented at trial showed that Molina-Durngin and several others took a man hostage while armed and held him, demanding money from his father, and threatening to harm him if the money was not provided. We further conclude the sentence imposed is within the statutory limit. *See* A.R.S. §§ 13-702(D), 13-704(A), 13-1204(A)(2), 13-1304(A)(1), (B), 13-1804(A)(1), (C).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Molina-Durngin’s convictions and sentences.