

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

CALEB SOTO DIAZ,  
*Appellant.*

No. 2 CA-CR 2016-0229  
Filed April 12, 2017

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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NOT FOR PUBLICATION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. CR20150711001  
The Honorable Paul E. Tang, Judge

**AFFIRMED**

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COUNSEL

Kevin M. Burke, Interim Pima County Public Defender  
By Abigail Jensen, Assistant Public Defender, Tucson  
*Counsel for Appellant*

STATE v. DIAZ  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Vásquez authored the decision of the Court, in which Presiding Judge Howard and Chief Judge Eckerstrom concurred.

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V Á S Q U E Z, Judge:

¶1 Following a jury trial, appellant Caleb Diaz was convicted of kidnapping and three counts of sexual assault. The trial court sentenced him to concurrent and consecutive terms totaling forty-five years' imprisonment. 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 "arguably meritorious issue to raise on appeal." Counsel has asked us to search the record for fundamental error. Diaz has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support the jury's findings of guilt. See *State v. Delgado*, 232 Ariz. 182, ¶ 2, 303 P.3d 76, 79 (App. 2013). The evidence presented at trial showed Diaz, whose semen was found on the victim's shirt and vulva, had grabbed the victim in a "choke hold" while she was out running, threatened to slit her throat; and, although she continued to struggle, he put his finger in her vagina, put his penis in her mouth, masturbated while straddling her, and put his penis in her vagina. We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 13-703(B), (I), 13-708(C), 13-1304, 13-1406.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Diaz's convictions and sentences are affirmed.