IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CLYDE ROBERT HOLLINGSHEAD,
Appellant.

No. 2 CA-CR 2016-0308
Filed January 27, 2017

Appeal from the Superior Court in Pima County
No. CR045621
The Honorable Deborah Bernini, Judge

AFFIRMED IN PART AS CORRECTED; VACATED IN PART

COUNSEL

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

MEMORANDUM DECISION

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

E S P I N O S A, Judge:

¶1 Following a jury trial, appellant Clyde Hollingshead was convicted of six counts of sexual assault of a minor under fifteen, two counts of sexual abuse, two counts of sexual abuse of a minor under fifteen, and one count of sexual conduct with a minor under fifteen. The trial court sentenced him to concurrent and consecutive prison terms, the longest being life imprisonment without the possibility of release until he had served thirty-five years. This court affirmed his convictions and sentences on appeal. *State v. Hollingshead*, No. 2 CA-CR 95-0320 (Ariz. App. Sept. 30, 1996) (mem. decision). Hollingshead thereafter sought and was granted post-conviction relief, resulting in his being resentenced on three counts. Those sentences, on two counts of sexual abuse of a minor under fifteen and one count of sexual conduct with a minor under fifteen, are the subject of this appeal.[1]

¶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), stating he has reviewed the record and has found no "arguably meritorious issue to raise on appeal." Counsel has asked

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[1]The trial court, although citing the correct statute, incorrectly referred to Hollingshead's conviction on count ten as a conviction for sexual assault of a child, but the conviction was for sexual conduct with a child. We therefore order the resentencing minute entry corrected to reflect that count ten was a conviction for sexual conduct with a minor under fifteen, a dangerous crime against children.

us to search the record for fundamental error. Hollingshead has not filed a supplemental brief.

¶3 We have reviewed the record, and we conclude the sentences imposed are within the statutory limit. *See* A.R.S. §§ 13-705(C), (F), (M), 13-1404, 13-1405. We note, however, although not raised by the parties, the sentencing minute entry provides that the "fines, fees, assessments and/or restitution are reduced to a criminal restitution order [CRO]." But as this court has previously determined, trial courts lack authority to issue a CRO pertaining to "fines, fees, [and] assessments" at sentencing, *see State v. Cota,* 234 Ariz. 180, ¶ 15, 319 P.3d 242, 246 (App. 2014); we therefore vacate that portion of the court's order, so that the "CRO entered at sentencing exclusively applies to an award of restitution." *Id.* ¶ 17.

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found no other such error. Accordingly, Hollingshead's sentences are otherwise affirmed.