

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

ARMSTRONG SAWI KPOU,
Appellant.

No. 2 CA-CR 2016-0375
Filed July 13, 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NOT FOR PUBLICATION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. CR20155057001

The Honorable Richard D. Nichols, Judge

AFFIRMED AS CORRECTED

COUNSEL

Joel Feinman, Pima County Public Defender
By Abigail Jensen, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vasquez authored the decision of the Court, in which Judge Staring and Judge Howard¹ concurred.

V Á S Q U E Z, Presiding Judge:

¶1 Following a jury trial, appellant Armstrong Kpou was convicted of two counts of aggravated assault on a peace officer. The trial court sentenced him to concurrent, two-year terms of imprisonment.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 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. Kpou 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 Kpou fought with two uniformed Tucson Police Department officers who had responded to a call that Kpou was “kicking in a door at a women’s shelter.” He

¹The Hon. Joseph W. Howard, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

²In its minute entry the court deemed one count “slightly mitigated” and the other “slightly aggravated,” but imposed the same sentence. At the sentencing hearing, however, the court was clear that each sentence was to be “a partially mitigated term of two years.” We therefore order the minute entry corrected to reflect a “slightly mitigated” term on count three.

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knocked one to the ground and struck him in the face, and caused scrapes and abrasions to both officers and a laceration to the head of one officer. We further conclude the sentence imposed is within the statutory limit. A.R.S. §§ 13-702(D), 13-1204(A)(8)(a), (D).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Kpou's convictions and his sentences as corrected.