

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

AUBREY LAWRENCE OWENS,
Appellant.

No. 2 CA-CR 2017-0196
Filed July 31, 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NOT FOR PUBLICATION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 Maricopa County
No. CR2016001327001DT
The Honorable Bradley Astrowsky, Judge

AFFIRMED

COUNSEL

James J. Haas, Maricopa County Public Defender
By Paul J. Prato, Deputy Public Defender, Phoenix
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Howard¹ concurred.

ECKERSTROM, Chief Judge:

¶1 Following a jury trial, appellant Aubrey Owens was convicted of two counts of aggravated assault and threatening or intimidating, all domestic violence offenses. The trial court sentenced Owens to concurrent, presumptive prison terms of 4.5 years on the assault charges, to be served concurrently with the sentences in another matter, and to time served in jail for the remaining count. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating he has “searched the record on appeal . . . [and] has found no arguable question of law that is not frivolous.” He has asked us to search the record for fundamental error. Owens 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. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed that on December 31, 2014, Owens engaged in a “scuffl[e]” with his mother, during which he threatened to kill her; the mother suffered a “displaced patella fracture” requiring surgery in addition to a “nondisplaced tibial . . . fracture.” We further conclude the sentences imposed are within the statutory limit. See A.R.S. §§ 13-703(B), (I), 13-707(A)(1), 13-1202(A)(1), (B), 13-1203, 13-1204(A)(3), (D), 13-3601.

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.

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