

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

MICHAEL DON FRANCISCO,  
*Appellant.*

No. 2 CA-CR 2017-0275  
Filed March 26, 2018

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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NOT FOR PUBLICATION  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. 31.19(e).*

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Appeal from the Superior Court in Gila County  
No. S0400CR201700111  
The Honorable Bryan B. Chambers, Judge

**AFFIRMED**

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COUNSEL

Emily Danies, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Vásquez authored the decision of the Court, in which Judge Espinosa and Judge Eppich concurred.

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V Á S Q U E Z, Presiding Judge:

¶1 After a jury trial, Michael Francisco was convicted of kidnapping and aggravated assault (impeding breathing, domestic violence). The trial court suspended the imposition of sentence, placed Francisco on a four-year term of probation, and ordered him to spend 365 days in jail with credit for seventy-five days served as a condition of his probation.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), asserting she has reviewed the record but found no arguably meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, she has provided “a detailed factual and procedural history of the case with citations to the record” and asked this court to search the record for fundamental error. Francisco has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the jury’s verdicts, *State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence was sufficient to support the verdicts here. In February 2017, a sheriff responded to a domestic violence call from Francisco’s wife, who was bruised near her eyes and on her ears, forehead and neck; Francisco told the officer he had hit the victim in self-defense during a domestic violence dispute. During the altercation, Francisco “pinned [the victim] down on the bed,” ejaculated on her face, punched her in the head and face, “pound[ed]” her head against the floor, threatened to kill her, and “started choking” her with a sock “stretched . . . between his hands.” See A.R.S. §§ 13-1203(A); 13-1204(B), (E); 13-1304(A)(3), (B); 13-3601(A)(1). The terms of Francisco’s probation are authorized by statute and were imposed in a lawful manner. See A.R.S. §§ 13-901(A), (B); 13-902(A)(1), (3); 13-1204(E); 13-1304(B).

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¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and found none. *State v. Fuller*, 143 Ariz. 571, 575 (1985) (stating *Anders* requires court to search record for fundamental error). Accordingly, we affirm Francisco's convictions and term of probation.