

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

WALLY BORO,
Appellant.

No. 2 CA-CR 2018-0191
Filed May 7, 2019

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NOT FOR PUBLICATION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).

Appeal from the Superior Court in Pima County
No. CR20173422001
The Honorable James E. Marner, Judge

AFFIRMED

COUNSEL

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

STATE v. BORO
Decision of the Court

MEMORANDUM DECISION

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

ESPINOSA, Judge:

¶1 Following a jury trial, appellant Wally Boro was convicted of aggravated assault of a minor under fifteen, aggravated assault, two counts of armed robbery, and two counts of aggravated robbery. The trial court sentenced him to enhanced, minimum, consecutive and concurrent terms totaling seventeen 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 (App. 1999), stating she has reviewed the record and has "been unable to find any arguably meritorious issue to raise on appeal." Counsel has asked us to search the record for fundamental error. Boro has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, see *State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence presented at trial showed that Boro and an accomplice entered a convenience store, each holding a knife, and demanded money. One of them went behind the counter, threatened to stab the cashier, and took some cigarillos and money from the register, while the other held a knife to the neck of a twelve-year-old customer and took money from him. This evidence was sufficient to support the jury's findings of guilt. See A.R.S. §§ 13-1204(A)(2), 13-1903(A), 13-1904(A)(1). We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 13-704(A), 13-705(D), (H), (M), 13-1204(E), 13-1903(B), 13-1904(B).

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