

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

MARCUS CHRISTOPHER DE LA TORRE,
Appellant.

No. 2 CA-CR 2018-0206
Filed August 23, 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NOT FOR PUBLICATION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. CR20164990001
The Honorable Casey F. McGinley, Judge

AFFIRMED

COUNSEL

Erin E. Duffy, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

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

V Á S Q U E Z, Chief Judge:

¶1 After a jury trial, Marcus De La Torre was convicted of attempted first-degree murder of a peace officer and two counts of aggravated assault with a deadly weapon against a peace officer, all dangerous offenses. The trial court sentenced him to concurrent and consecutive prison terms totaling 25.5 years.

¶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), stating she has reviewed the record but found no “arguably meritorious issues to raise on appeal,” and asks this court to review the record for error. De La Torre has filed a supplemental brief, in which he argues the trial court erred by failing to instruct the jury on self-defense and that the prosecutor improperly “opened the door regarding [his] prior felony convictions.” De La Torre also asserts his trial counsel was ineffective, but those claims cannot be raised on appeal and must instead be raised in a petition for post-conviction relief. See *State v. Spreitz*, 202 Ariz. 1, ¶ 9 (2002).

¶3 Viewed in the light most favorable to sustaining the jury’s verdicts, see *State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, see A.R.S. §§ 13-1001(A)(3), 13-1105(A)(1), 13-1204(A)(2), (C). In October 2017, while fleeing a traffic stop on foot, De La Torre repeatedly fired a handgun at one of the pursuing police officers, striking him in the head, and then pointed the weapon at both officers before he was shot and arrested. The sentences imposed are within the statutory range. See A.R.S. §§ 13-704(A), 13-1001(C)(1), 13-1105(D), 13-1204(E).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for error and found none. And, we have reviewed the issues identified by De La Torre’s supplemental brief and have determined they

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are not arguable issues requiring further briefing.¹ See *State v. Thompson*, 229 Ariz. 43, ¶ 3 (App. 2012).

¶5 We affirm De La Torre's convictions and sentences.

¹Contrary to De La Torre's assertion in his supplemental brief, the jury was instructed on self-defense.