IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JUAN CARLOS BECERRA,
Appellant.

No. 2 CA-CR 2018-0258
Filed January 30, 2020

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NOT FOR PUBLICATION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. CR20163463001
The Honorable Casey F. McGinley, Judge

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
Joseph T. Maziarz, Chief Counsel
By Kathryn A. Damstra, Assistant Attorney General, Tucson
Counsel for Appellee

Emily Danies, Tucson
Counsel for Appellant

MEMORANDUM DECISION

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

¶1 Juan Becerra appeals from his convictions and sentences for first-degree felony murder, kidnapping, two counts of armed robbery, and two counts of aggravated assault with a deadly weapon. Specifically, Becerra challenges the trial court's denial of his motion to suppress evidence seized pursuant to a search warrant and its allowing the admission of a photograph. We affirm.

Factual and Procedural Background

¶2 On October 14, 2015, Becerra's girlfriend, Yesenia F., and two other women confronted N.T. about telling other people that Yesenia's boyfriend, whom N.T. only knew as "Juan," was a "jacker" who robs drug traffickers. The women were driving in Yesenia's Cadillac on the southwest side of Tucson when they were pulled over by a "black Impala or Malibu with red and blue lights flashing in the grill." The man N.T. knew as "Juan" and as Yesenia's boyfriend emerged from the car, pistol-whipped N.T. and placed a gun to her head, pulling the trigger. The gun did not fire. N.T.'s purse, cash, pills, and cell phone were then stolen. Three days later, someone in a black Chevrolet Impala with red and blue lights and a siren tried to pull over a man driving on the southwest side of Tucson. Eventually, the Impala sped by the man, who saw that its driver was a young man; the man called 9-1-1.[1]

¶3 On October 19, police officers responded to a 9-1-1 call and found G.C. deceased in the passenger seat of his Honda with a gunshot wound to his head. G.C.'s friend, L.A., told police the following: L.A. had been in the backseat of the car, with G.C. in the passenger seat, and another

[1]We view the facts presented at trial in the light most favorable to sustaining the jury's verdicts, and resolve all reasonable factual inferences against Becerra. *See State v. Felix*, 237 Ariz. 280, ¶ 30 (App. 2015). However, because this case also presents issues arising from the motion to suppress, it is important to note that the facts of N.T.'s assault and the man's encounter with a black Impala equipped to look like a police vehicle were presented at the suppression hearing but not at Becerra's trial.

friend, P.M., driving the Honda on the southwest side of Tucson when the car was pulled over by a "dark possibly black [Chevrolet] Impala or Malibu" that had red and blue lights. When the Honda pulled over, a white Dodge truck pulled in front of it, blocking it from escape; several masked men came out of the Chevrolet and the Dodge, and pointed guns at the occupants of the Honda. The men removed P.M. from the driver's seat, and one of them fired at least once, fatally wounding G.C. One of the men then got into the Honda, pointed his gun at L.A., drove the car out into the desert, interrogated L.A. about a "stash house," and eventually told him to run into the desert. After the men left, L.A. returned and drove the Honda, with G.C. still in the passenger seat, to a nearby store and called 9-1-1. The police found a 7.62 shell casing in the Honda.

¶4 P.M. generally corroborated L.A.'s account, saying they had been pulled over by a dark sedan with red and blue flashing lights, blocked by a white Dodge truck, and armed, masked men dressed in black had emerged from the sedan and truck and surrounded the Honda. P.M. heard a gunshot and was hit in the face by flying glass. One of the men pointed a gun at her, asked her who she was, and told her to run away.

¶5 G.C.'s sister later told police that G.C. had been involved in the illegal drug business and that she believed he had a drug deal that evening. Officers subsequently received a tip that the black Impala used in these incidents was parked at a rural address on the southwest side of Tucson. Detectives met with the occupants of the home, who let them onto the property, where they found a black Impala with non-factory grill cut-outs and wiring consistent with grill lights having been installed and removed. The occupants told detectives their family member, Rafael M., drove the Impala, it had arrived at the property in the past couple of days, and it belonged to Rafael's friend. Police then executed a search warrant for the address and found 7.62 ammunition in Rafael's bedroom.

¶6 Police later obtained a search warrant for Becerra's house in connection with a series of crimes involving individuals using vehicles with red and blue flashing lights and a siren to pose as police officers and conduct traffic stops. When officers served the warrant, Becerra, Yesenia, Rafael, and several other people were present. Officers found several handguns and rifles,[2] ammunition, magazines, a holster, and a manual for a 7.62 drum magazine. Police also found the title for a white Dodge pickup

[2]The firearm used to murder G.C. was never found.

truck owned by Yesenia's sister and a rental agreement showing the house was being rented by Becerra and Yesenia.

¶7 Becerra was charged with first-degree felony murder, kidnapping, two counts of armed robbery, and two counts of aggravated assault with a deadly weapon. Rafael entered into a plea agreement and testified for the state. After a jury trial, Becerra was convicted as charged and sentenced to concurrent terms of imprisonment, the longest of which is life in prison without the possibility of release for at least twenty-five years.

¶8 This appeal followed. We have jurisdiction pursuant to article VI, § 9 of the Arizona Constitution and A.R.S. §§ 12-120.21(A)(1), 13-4031, and 13-4033(A).

Discussion

¶9 On appeal, Becerra argues the trial court abused its discretion in denying his motion to suppress evidence and his motion to preclude a photograph of firearms found on a cell phone officers had taken from inside his pocket.

Motion to Suppress

¶10 Becerra contends the trial court erroneously denied his motion to suppress evidence seized during a search of his home because there was no probable cause to support the search warrant, the warrant was invalid because it lacked specificity and reasonable particularity, and the good-faith exception did not apply. When reviewing the denial of a motion to suppress, we consider only the evidence presented at the suppression hearing, viewing it in the light most favorable to upholding the court's ruling, *State v. Manuel*, 229 Ariz. 1, ¶ 11 (2011), and will not reverse a trial court's ruling absent a clear abuse of discretion, *State v. Goudeau*, 239 Ariz. 421, ¶ 26 (2016). "In reviewing the trial court's decision, we are mindful that its 'task [wa]s to determine whether the totality of the circumstances indicates a substantial basis for the magistrate's decision' to issue a warrant." *State v. Crowley*, 202 Ariz. 80, ¶ 7 (App. 2002) (quoting *State v. Hyde*, 186 Ariz. 252, 272 (1996)). And, because we presume the warrant is valid, "it is the defendant's burden to prove otherwise." *Id.*

¶11 Before trial, Becerra moved to suppress all evidence seized at his house pursuant to "a constitutionally invalid warrant." He argued there was no probable cause to connect him and his house to the assault of N.T. or the murder of G.C. and the warrant "did not describe with sufficient

specificity and accuracy the things to be seized." He also argued the good-faith exception did not apply because the affidavit "so lacked indicia of probable cause . . . that it rendered official belief in its existence entirely unreasonable," and the warrant was facially deficient because it did not particularly describe the items to be seized.

¶12 The affidavit submitted in support of the warrant states that N.T. told police that Yesenia and her boyfriend "Juan" were two of the people who had assaulted and robbed her. N.T. reported she had been riding in Yesenia's Cadillac when "Juan" pulled them over in a black Chevrolet sedan with red and blue flashing lights in the front grill. N.T. also told police she was assaulted because she had been telling other people that "Juan" was a "jacker."

¶13 With respect to G.C.'s murder, the police knew the Honda had also been pulled over by a black Chevrolet sedan with red and blue lights in the grill, and L.A. had been interrogated by the assailants about the location of a drug stash house. G.C.'s sister told police he was involved in the drug trade and had made statements leading her to believe he was participating in a drug transaction on the night he was killed. Through its investigation, the police also knew Becerra and Yesenia shared children. Police observed a Cadillac registered to Yesenia matching the description N.T. gave police parked at a house for which Becerra had registered for electrical services.

¶14 Based on that information, officers believed Becerra's house may have contained evidence of N.T.'s assault, including the weapon used, N.T.'s stolen belongings, and information connecting Becerra to the black Impala. The warrant was issued and authorized the seizure of "[a]ny property belonging to the victims in this case to include but not limited to[] purse, wallet, money, vehicle ignition devices, keys, and cellular telephones."

¶15 At the hearing on Becerra's motion to suppress, he argued there was nothing in the affidavit connecting him to Rafael or the murder of G.C. and the state's reliance on N.T.'s report that "Juan" was driving a vehicle very similar to the one used in the murder was "completely wrong" and "not supported by the actual facts." Becerra also asserted the warrant lacked probable cause because it did not sufficiently specify what the police were looking for in connection with the assault of N.T. and the police did not have "any information or any reason to believe that anything related to that [N.T.] incident would be found in [Becerra's] house."

¶16 The state argued the presence of Yesenia's car at a house for which Becerra had electricity in his name connected him to the assault of N.T. The state also asserted the black Impala connected Becerra to both the assault and G.C.'s murder because it matched the description of the car N.T. said "Juan" was driving before he assaulted her, as well as the descriptions given by L.A. and P.M. The trial court denied Becerra's motion, finding "[t]he facts linking the [N.T.] assault to the [G.C.] homicide established probable cause to search for evidence of both crimes at [Becerra]'s home."

Probable Cause

¶17 Becerra argues the facts presented did not establish probable cause "because the affidavit did not provide any fact that tied [him] to the crimes." He also appears to argue the facts of the assault of N.T. were "solely used to attempt to establish probable cause" by showing he had driven a black Impala with police lights five days before the murder. Becerra concedes that fact may prompt suspicion that he was involved in the murder, but maintains it did not establish probable cause that items connected to the crimes would be found in his home. As noted, "[w]e review a trial court's ruling on a motion to suppress for abuse of discretion, but review de novo its determination as to the existence of probable cause." *Goudeau*, 239 Ariz. 421, ¶ 26 (citations omitted).

¶18 "[U]nder the totality-of-the-circumstances test, probable cause exists if, 'given all the circumstances set forth in the affidavit . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.'" *Crowley*, 202 Ariz. 80, ¶ 12 (quoting *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). "[A]ffidavits are to be interpreted in a common sense and realistic manner and . . . probable cause exists when the facts and circumstances shown in the affidavit would warrant a man of reasonable caution in the belief that the items to be seized were in the stated place." *United States v. Lucarz*, 430 F.2d 1051, 1055 (9th Cir. 1970) (citations omitted); *see also State v. Summerlin*, 138 Ariz. 426, 431 (1983). "Probable cause cannot be established by mere suspicion that a search will reveal items connected to criminal activity." *Frimmel v. Sanders*, 236 Ariz. 232, ¶ 40 (App. 2014). Rather, "[a]n officer has probable cause to conduct a search if a reasonably prudent person, based upon the facts known by the officer, would be justified in concluding that the items sought are connected with the criminal activity and that they would be found at the place to be searched." *Id.* ¶ 38 (quoting *State v. Buccini*, 167 Ariz. 550, 556 (1991)).

¶19 As noted by the trial court, several facts connected N.T.'s assault to G.C.'s murder and related crimes. For example, both involved a

sham traffic stop conducted by a man driving a black Chevrolet four-door sedan equipped to look like an unmarked police car with flashing lights in the grill; victims from both crimes were able to identify the color and make of the car that pulled them over; both crimes occurred on the southwest outskirts of Tucson, less than one week apart; and both crimes involved firearms. And, the motives for both crimes related to the furtherance of robbing drug traffickers: L.A. was interrogated about the location of a drug stash house and N.T. was assaulted for telling people "Juan" was a "jacker." Further, N.T. identified "Juan" as Yesenia's boyfriend and, through research, police identified Becerra as the father of Yesenia's children and saw her car parked at Becerra's house.

¶20 Based on these facts, under the totality of the circumstances, a reasonably prudent person evaluating probable cause would be able to conclude that Becerra was involved in N.T.'s assault, G.C.'s murder, and related crimes, and that his house contained evidence of those crimes. *See Buccini*, 167 Ariz. at 556; *see also Crowley*, 202 Ariz. 80, ¶ 12. Because the facts articulated in the affidavit support a finding of probable cause, the trial court did not abuse its discretion in denying Becerra's motion to suppress.[3]

Specificity and Reasonable Particularity

¶21 On appeal, Becerra maintains the search warrant was invalid because "it did not describe with sufficient specificity and accuracy" the things to be seized. We review de novo whether a warrant is sufficiently particular to comply with the Fourth Amendment. *State v. Roark*, 198 Ariz. 550, ¶ 6 (App. 2000).

¶22 The Fourth Amendment prohibits general search warrants and requires warrants to "particularly describe the things to be seized." *Id.* ¶ 8 (citing *Andresen v. Maryland*, 427 U.S. 463, 480 (1976)); A.R.S. § 13-3915(C) (requiring warrant to describe items "with reasonable

[3]At oral argument in this court, Becerra conceded the existence of probable cause for the search warrant with respect to the assault of N.T. And, he conceded all items sought in the warrant were related to the assault of N.T. Thus, the warrant was valid and officers were permitted to seize evidence of the assault, as well as evidence of other crimes. *See State v. Sisco*, 239 Ariz. 532, ¶ 11 (2016) (plain view doctrine "allows police to seize an object 'if they are lawfully in a position to view it, if its incriminating character is immediately apparent, and if they have a lawful right of access to it'" (quoting *Minnesota v. Dickerson*, 508 U.S. 366, 374-75 (1993))).

particularity"). This requirement "prevents the seizure of one thing under a warrant describing another." *Roark*, 198 Ariz. 550, ¶ 8 (quoting *Andresen*, 427 U.S. at 480). However, if a search warrant is overbroad or items seized are not within the scope of the warrant, the trial court can separately examine each part of the warrant "to determine whether it is impermissibly general or unsupported by probable cause." *Id.* ¶ 10. Accordingly, the court can sever the valid portions of the warrant, redact the invalid phrases, and suppress evidence seized pursuant to the invalid portions. *Id.* ¶¶ 9-10.

¶23 To determine whether a warrant's description of items to be seized is sufficiently particular, we consider:

> (1) whether probable cause exists to seize all items of a particular type described in the warrant, (2) whether the warrant sets out objective standards by which executing officers can differentiate items subject to seizure from those which are not, and (3) whether the government was able to describe the items more particularly in light of the information available to it at the time the warrant was issued.

State v. Dean, 241 Ariz. 387, ¶ 7 (App. 2017) (quoting *United States v. Spilotro*, 800 F.2d 959, 963 (9th Cir. 1986)). And, items to be seized should "be differentiated from items which are legitimately in a home." *State v. Robinson*, 139 Ariz. 240, 241 (App. 1984).

¶24 With respect to the purse, money, and cell phone that N.T. reported had been stolen, Becerra argues "the [items listed in the] warrant . . . would need to be differentiated from the items which are legitimately in a home." First, as discussed above, there was probable cause to seize all "property belonging to the victims in this case," which included "purse, wallet, money, vehicle ignition devices, keys, and cellular phones" because N.T. reported she had been robbed. Second, the warrant specified "property belonging to the victims," thus making clear that the executing officers were required to find some indicia that the item belonged to the victim before seizing it. Third, it is unclear from the record whether the detective was able to more particularly describe the items in light of the information available at the time. Because these factors, taken together, weigh in favor of the state, we conclude the warrant described the items sought with sufficient particularity. *See Dean*, 241 Ariz. 387, ¶ 7.

¶25 Becerra further contends that although the warrant listed "any property belonging to the victims," including a purse, a wallet, keys, vehicle ignition devices, and cell phones, there was no "reasonable nexus between the evidence and residence" and "no evidence was listed to show that the crimes committed occurred at [Becerra's] residence."[4] Before issuing a search warrant, a judge must find "a 'reasonable nexus' between the [evidence] sought and the residence." *United States v. Chavez-Miranda*, 306 F.3d 973, 978 (9th Cir. 2002) (quoting *United States v. Rodriguez*, 869 F.2d 479, 484 (9th Cir. 1989)). And in making that determination, the judge "need only find that it would be reasonable to seek the evidence there." *Id.* Based on the investigation, Becerra was suspected of assaulting and robbing N.T. Thus, it was reasonable for officers to look for evidence of the firearm used in the assault and items stolen from N.T. at Becerra's house. And, the fact that his girlfriend's car—in which N.T. had been riding immediately before "Juan" assaulted and robbed her—was seen at his residence and that the electricity was registered under the name "Becerra" tended to show that Becerra resided at the home listed on the search warrant. The warrant's supporting affidavit demonstrated a reasonable nexus between the evidence sought and Becerra's house.[5]

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[4]According to the affidavit, N.T. reported that "Juan" had stolen her "purse, cash, pills, and a cell phone" and did not mention a wallet, vehicle ignition device, or keys. Citing *United States v. Chavez-Miranda*, 306 F.3d 973, 978 (9th Cir. 2002), Becerra argues there was no "reasonable nexus" between the vehicle ignition devices, keys, and his residence. Given that it was reasonable to seek N.T.'s stolen purse at Becerra's house, it was also reasonable to seek other items commonly found in a purse, including vehicle ignition devices and keys. *See id.* (reasonable nexus exists if magistrate finds it reasonable to seek the evidence at the residence).

[5]Becerra also appears to argue the warrant was overbroad because it included evidence of narcotics and currency associated with drug trafficking, yet did not indicate "a reasonable nexus" between such evidence and Becerra's house, and because neither drugs nor currency were involved in N.T.'s assault, G.C.'s murder, or related crimes. Because the trial court precluded this evidence under Rule 403, Ariz. R. Evid., however, Becerra was not prejudiced by the evidence. Accordingly, we find no error. *See State v. Carlson*, 237 Ariz. 381, ¶ 7 (2015) (we affirm trial court ruling if correct for any reason); *see also State v. Bocharski*, 200 Ariz. 50, ¶ 21 (2001) (we will not disturb trial court's Rule 403 determination unless clear abuse of discretion).

¶26 Lastly, Becerra argues the affidavit "does not present any facts that the firearms would be found in [his] residence nor does it provide any additional information about the black Impala." As noted, there was probable cause to believe evidence of the assault and the murder—both of which involved firearms and a black Chevrolet sedan—could be found at Becerra's house. To the extent that he appears to argue the warrant did not describe the firearms with reasonable particularity, we disagree. The warrant included "[a]ny firearms or items related to firearms to include but not limited to[:] handguns, rifles." First, because N.T. was assaulted with a handgun and G.C. was murdered with a rifle, there was probable cause to seize such firearms and items related to them. Second, the warrant did not need to set out a standard by which the officers could differentiate between the handguns and rifles to be seized and those not to be seized because Becerra was known to police as a prohibited possessor and could not legally possess any firearms. *See* A.R.S. §§ 13-3101(A)(7), 13-3102(A)(4). Third, although the warrant did not indicate whether the government could describe the firearms in more detail at the time, it was not required to because *all* firearms—whether used in the present offenses or not—were contraband and subject to seizure. Therefore, the warrant was sufficiently particular in describing the firearms and related items. *See Dean*, 241 Ariz. 387, ¶ 7.

¶27 In sum, Becerra has failed to meet his burden of proving the warrant was invalid. *See Crowley*, 202 Ariz. 80, ¶ 7.[6]

Motion to Preclude Photograph of Firearms

¶28 Becerra argues the trial court erred in admitting a photograph depicting firearms because it "was unfairly prejudicial" under Rule 403, Ariz. R. Evid. We review a court's ruling on the admission of evidence for an abuse of discretion. *State v. Leteve*, 237 Ariz. 516, ¶ 18 (2015); *see also State v. Bocharski*, 200 Ariz. 50, ¶ 21 (2001) (we will not disturb trial court's Rule 403 determination unless clear abuse of discretion).

¶29 Before trial, Becerra moved to preclude evidence of weapons and ammunition found in his home as "irrelevant and prejudicial." The

[6]Becerra also argues the good-faith exception to the exclusionary rule does not apply here. Ordinarily, "[w]e review de novo the applicability of the good-faith exception." *State v. Weakland*, 246 Ariz. 67, ¶ 5 (2019). In this instance, however, because Becerra has failed to meet his burden of proving the warrant was invalid, *see Crowley*, 202 Ariz. 80, ¶ 7, we need not address this argument, *see Carlson*, 237 Ariz. 381, ¶ 7.

trial court ruled the presence of weapons and ammunition in Becerra's home close in time to the allegations of crimes involving weapons was "prejudicial in some respects but it's not unfairly so, and it's certainly not so substantially unfairly prejudicial that it outweighs the probative value with the caveat that the State must elicit testimony that establishes that they are unable to tie any specific weapon to the offenses but that weapons were found."

¶30 At trial, a detective testified he had found numerous firearms in Becerra's house, but that none were the weapon used to kill G.C. The state offered three photographs detectives had downloaded from a cell phone found in Becerra's pocket, which depicted four handguns, several magazines, and two rifles, including a rifle fitted with a drum magazine. Becerra objected, arguing the state's intent was to imply one of the firearms in the photographs was the murder weapon and the photographs were unfairly prejudicial because it was unclear when, where, or by whom the photographs had been taken. The trial court concluded the question of who had taken the photographs and when and where they had been taken was appropriate for cross-examination and found that because all three photographs looked the same, the state could only admit one.

¶31 Exhibit 193 was admitted and a detective testified the image had been downloaded from a cell phone found in Becerra's pocket. He also said the rifle fitted with a drum magazine appeared to be consistent with a 7.62 rifle. On cross-examination, the detective explained that although he did not know whether the rifle with the drum magazine was a 7.62, based on his training and experience of handling firearms, the rifle in the photograph and 7.62 rifles had "very similar characteristics" and looked "extremely alike." Becerra did not ask the detective about the origin of Exhibit 193.

¶32 Relevant evidence may be excluded "if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, [or] misleading the jury." Ariz. R. Evid. 403. "Unfair prejudice is an 'undue tendency to suggest decision on an improper basis, such as emotion, sympathy or horror.'" *State v. Escalante-Orozco*, 241 Ariz. 254, ¶ 48 (2017) (quoting *State v. Mott*, 187 Ariz. 536, 545 (1997)), *abrogated on other grounds by State v. Escalante*, 245 Ariz. 135 (2018). "[N]ot all harmful evidence is unfairly prejudicial"; indeed, "evidence which is relevant and material will generally be adverse to the opponent." *State v. Schurz*, 176 Ariz. 46, 52 (1993). And, relevant photographs may be admitted even though they "also have a tendency to prejudice the jury against the person who committed

the offense." *Bocharski*, 200 Ariz. 50, ¶ 21 (quoting *State v. Chapple*, 135 Ariz. 281, 287-88 (1983)).

¶33 On appeal, Becerra maintains that Exhibit 193 was unfairly prejudicial because the state intended to use it to imply one of the firearms in the photograph was the murder weapon and because "no one knows when, where, and who had taken" it. Specifically, he asserts the photograph was prejudicial because he had multiple phones on his person and the state did not present any evidence showing it was obtained from a phone belonging to him.

¶34 The state counters that because Becerra did not cross-examine the detective about who had taken the photograph or when and where it was taken, he "cannot now complain." The state also argues the photograph did not mislead the jury or invite speculation because the detective specifically said the murder weapon was never found. And, because the detective testified that the rifle with the drum magazine in the photograph looked similar to a 7.62 rifle, the jury did not need to speculate, but "could reasonably infer that the murder weapon had once been in Becerra's possession." We agree with the state's position.

¶35 First, the photograph was relevant to connecting Becerra to the murder of G.C. Although the rifle in the photograph was never found, a detective explained it looked "very similar" to a 7.62 rifle—the same caliber used to kill G.C. and the same caliber ammunition found in Rafael's bedroom. Moreover, it was relevant because the detective testified that officers also had found a manual for a 7.62 drum magazine in Becerra's house.

¶36 Second, although it is unknown who took the photograph, when, or where, the state presented evidence showing the photograph had been found on a cell phone that was on Becerra's person when he was arrested. Records on that phone showed it had communicated with the phone found in Rafael's pocket numerous times around the time of G.C.'s murder. Further, the phone number belonging to the phone found in Becerra's pocket was saved under the name "Juan" in the phone that was found in Rafael's pocket. And, as the trial court noted, questions concerning the origin of the photograph were appropriate for cross-examination. Becerra, however, did not ask about the origin of the photograph on cross-examination. Based on the record before us, we find no abuse of discretion.

Disposition

¶37 For the foregoing reasons, we affirm Becerra's convictions and sentences.