

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

ROBERTO VINCENT BEJARANO,  
*Appellant.*

No. 2 CA-CR 2018-0329  
Filed January 27, 2020

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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NOT FOR PUBLICATION  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 Pima County  
No. CR20103025001  
The Honorable James E. Marner, Judge

**AFFIRMED IN PART; MODIFIED IN PART**

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COUNSEL

Mark Brnovich, Arizona Attorney General  
Joseph T. Maziarz, Chief Counsel  
By Diane Leigh Hunt, Assistant Attorney General, Tucson  
*Counsel for Appellee*

Joel Feinman, Pima County Public Defender  
By Sarah L. Mayhew, Assistant Public Defender, Tucson  
*Counsel for Appellant*

STATE v. BEJARANO  
Decision of the Court

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**MEMORANDUM DECISION**

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

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ECKERSTROM, Judge:

¶1 In 2012, appellant Roberto Bejarano was convicted of attempted sexual conduct with a minor under fifteen. The trial court suspended the imposition of sentence and placed him on a five-year term of probation, which began in March 2017. In August 2018, the state filed a second petition to revoke his probation. After a violation hearing, the court found Bejarano had violated the terms of his probation and revoked probation. It sentenced Bejarano to 3.5 years in prison, giving him credit for 467 days of pretrial incarceration.

¶2 Counsel 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 reviewed the record and found no “meritorious issue to raise on appeal.” Counsel has asked us to search the record for fundamental error. Bejarano has not filed a supplemental brief.

¶3 In our review of the record pursuant to *Anders*, we identified a non-frivolous claim concerning Bejarano’s pretrial incarceration credit. The state concedes that Bejarano is entitled to 627 days of credit, and the trial court therefore erred in crediting him with only 467 days.

¶4 The trial court’s findings that Bejarano violated the terms of his probation by contacting unapproved individuals, accessing social media sites, possessing sexually stimulating material, and possessing a cell phone with internet access, a Nintendo 3DS, and a second cell phone are supported by the record. We further conclude the sentence imposed is within the statutory limit. A.R.S. §§ 13-702(D), 13-1001(C)(2), 13-1405(B); *see also Wright v. Gates*, 243 Ariz. 118 (2017).

¶5 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none, save for the miscalculation of pretrial incarceration credit. Therefore, we modify the trial court’s minute entry to reflect the appropriate credit – 627 days – and otherwise affirm the revocation of Bejarano’s probation and the sentence imposed.