

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSHUA ROBERT SEAGO,
Appellant.

No. 2 CA-CR 2019-0164
Filed August 20, 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NOT FOR PUBLICATION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 Cochise County
No. S0200CR201800869
The Honorable Timothy Dickerson, Judge

AFFIRMED

COUNSEL

Cochise County Office of the Legal Advocate, Bisbee
By Xochitl Orozco
Counsel for Appellant

STATE v. SEAGO
Decision of the Court

MEMORANDUM DECISION

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

BREARCLIFFE, Judge:

¶1 Following a jury trial, Joshua Seago was convicted of aggravated assault causing temporary but substantial impairment, a domestic violence offense.¹ The state proved Seago had two historic prior felony convictions and the trial court sentenced him to the maximum, enhanced twelve-year prison term.² On appeal, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967) and *State v. Leon*, 104 Ariz. 297 (1969), stating she has reviewed the record but found no “arguable question of law that is not frivolous” to raise on appeal. Counsel has asked this court to review the record for reversible error. Consistent with *State v. Clark*, 196 Ariz. 530, ¶ 32 (App. 1999), she has provided “a detailed factual and procedural history of the case with citations to the record.” Seago has not filed a supplemental brief. We affirm.

¶2 Viewed in the light most favorable to sustaining the verdicts, see *State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence is sufficient to support the jury’s finding of guilt. See A.R.S. §§ 13-1203(A)(1), 13-1204(A)(3), 13-3601. On September 13, 2018, Seago punched M., his “on again, off again” girlfriend, causing her to fall “back into the shower.” As a result of Seago hitting her, M. suffered “bleeding on the brain,” and testified at trial that she still struggles with memory issues and has difficulty with her writing skills; in addition, M.’s eye became swollen and discolored; she developed a red welt on her forehead; and, she had bruises inside her bicep and on her outer thigh.

¹The jury acquitted Seago of kidnapping and another count of aggravated assault, also domestic violence offenses.

²Although the trial court called the sentence “slightly aggravated,” according to the applicable statute, it is the “maximum sentence.” See A.R.S. § 13-703(J).

STATE v. SEAGO
Decision of the Court

¶3 Sufficient evidence also supports the trial court's finding that Seago had two historical prior felony convictions, and its consideration as aggravating factors that he previously had been convicted of assault against M. and that the jury had found M. suffered emotional or physical harm as a result of the instant assault. *See* A.R.S. §§ 13-105(22)(c), 13-701(D)(9), (27). And, Seago's sentence is within the statutory range and was lawfully imposed. *See* A.R.S. § 13-703(C), (J).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for reversible error and have found none. Accordingly, we affirm Seago's conviction and sentence.