

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

VINCENT ANTONIO DETWILER,
Appellant.

No. 2 CA-CR 2019-0191
Filed August 27, 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NOT FOR PUBLICATION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. CR20181273001
The Honorable James E. Marner, Judge

AFFIRMED

COUNSEL

Law Offices of Thomas Jacobs, Tucson
By Thomas Jacobs
Counsel for Appellant

STATE v. DETWILER
Decision of the Court

MEMORANDUM DECISION

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

E P P I C H, Presiding Judge:

¶1 After a jury trial, appellant Vincent Detwiler was convicted of second-degree murder, a dangerous offense, and sentenced to an aggravated prison term of twenty years. 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 he reviewed the record and found no arguable, non-frivolous issues to raise, and requesting that this court conduct an independent review of the record.

¶2 The evidence, viewed in the light most favorable to sustaining the verdict, *see State v. West*, 226 Ariz. 559, ¶ 15 (2011), established that while sitting in the back seat of a car, Detwiler shot and killed M.G., the live-in boyfriend of Detwiler's half-sister who was in the front passenger seat, thereby committing the offense of second-degree murder, a class one, dangerous, non-repetitive offense. *See* A.R.S. §§ 13-1104(A)(1), 13-710; *see also* A.R.S. § 13-105(13) (defining dangerous offense). The evidence included the testimony of the person driving the car when Detwiler shot M.G., as well as a video recording of Detwiler's statements to two detectives from the Tucson Police Department, who questioned him in California after he was apprehended there. Detwiler admitted he shot M.G., claiming he had felt threatened by statements M.G. purportedly had made and that he had feared for his half-sister's safety.

¶3 The aggravated sentence of twenty years' imprisonment was within the statutory parameters, *see* A.R.S. §§ 13-704, 13-710, and the record reflects the trial court soundly exercised its discretion in imposing the sentence. The court considered as mitigating factors Detwiler's age of twenty-one at the time of the offense, his remorse, and family support, and noted his lack of a criminal history, which the court found were outweighed by the aggravating circumstances: the physical, emotional, financial or emotional harm to the victim's family, which the jury had found beyond a reasonable doubt, the use of a deadly weapon, which was established at

STATE v. DETWILER
Decision of the Court

trial and the jury found as part of the initial verdict, and the court's finding "that the circumstances surrounding the event were cruel, heinous and depraved [based on] the way [the victim] was essentially cast out on the street after the shooting." As requested, we have reviewed the record for fundamental, reversible error and have found none.

¶4 We affirm the conviction and sentence imposed.