

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

MARTIN RAYMOND BARRERAS,  
*Appellant.*

No. 2 CA-CR 2019-0261  
Filed September 1, 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NOT FOR PUBLICATION  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. CR20142983001  
The Honorable Paul E. Tang, Judge  
The Honorable James E. Marner, Judge

**AFFIRMED**

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COUNSEL

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

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MEMORANDUM DECISION

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

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ESPINOSA, Judge:

¶1 After a jury trial, appellant Martin Barreras was convicted of intentional or knowing child abuse and felony murder.<sup>1</sup> The trial court sentenced Barreras to a twenty-four-year prison term for child abuse and a term of natural life on the murder conviction. Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating he “has not found any issue that is not frivolous,” but pointing out “two issues which counsel does not believe to be legally meritorious” – whether the court abused its discretion in denying Barreras’s motion for a judgment of acquittal and whether the court should have ordered a new trial sua sponte after striking certain evidence from the record. Counsel has asked us to search the record for error. Barreras has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, see *State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence was sufficient to support the jury’s findings of guilt, see A.R.S. §§ 13-1105(A)(2), 13-3623(A)(1). The evidence presented at trial showed that the victim, R.B., born in July 2010, addicted to methadone, was removed from the custody of Barreras and his wife, but was ultimately returned to Barreras’s custody in November 2011. Despite warnings that his wife should not have contact with R.B. or their other children, Barreras allowed her to care for them. R.B. was kept in a playpen covered with a sheet or blanket, first in the home, but eventually in an adjacent laundry room, receiving little or no food or other care. After the family was evicted from the home, the landlord found R.B.’s skeletal remains left in a toybox in the backyard, covered with a blanket. His cause of death was determined to be neglect and starvation, and his bones exhibited signs of trauma and pathology, such as infection.

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<sup>1</sup>Barreras also entered guilty pleas to three additional charges of child abuse.

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¶3 We find no reversible error in the possible claims counsel has listed. As counsel points out, there was sufficient evidence for the jury to find that Barreras intended or knowingly permitted R.B. to be injured – evidence at trial established he was aware of R.B.’s being in the playpen and asked his wife about feeding him, but did nothing to do so himself or otherwise intervene in his starvation. Likewise, the trial court did not abuse its discretion in striking certain testimony rather than order a mistrial, particularly because the parties agreed that remedy was appropriate. *See State v. Welch*, 236 Ariz. 308, ¶¶ 20-21 (App. 2014). We further conclude the sentences imposed are within the statutory limit. *See* A.R.S. §§ 13-705, 13-1105(D), 13-3623(A)(1).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Barreras’s convictions and sentences are therefore affirmed.