

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

---

THE STATE OF ARIZONA,  
*Appellee,*

*v.*

RAMIRO OROZCO-GUTIERREZ,  
*Appellant.*

No. 2 CA-CR 2020-0010  
Filed September 9, 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NOT FOR PUBLICATION  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. CR20070085  
The Honorable Hector Campoy, Judge  
The Honorable Danelle B. Liwski, Judge

**AFFIRMED**

---

COUNSEL

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

STATE v. OROZCO-GUTIERREZ  
Decision of the Court

---

**MEMORANDUM DECISION**

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

---

S T A R I N G, Presiding Judge:

¶1 After a jury trial in absentia in 2007, Ramiro Orozco-Gutierrez was convicted of molestation of a child under the age of fifteen, a dangerous crime against children. After he was returned to custody, the trial court sentenced him to the presumptive seventeen-year prison term in 2019.<sup>1</sup>

¶2 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 she has reviewed the record and “has been unable to find any meritorious issue to raise on appeal.” Consistent with *Clark*, 196 Ariz. 530, ¶ 30, counsel has provided “a detailed factual and procedural history of the case, with citations to the record,” and has asked this court to search the record for error. Orozco-Gutierrez has not filed a supplemental brief. We affirm.

¶3 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999). The evidence presented at trial showed that while the eight-year-old victim was spending the night at the home of her friend, the son of Orozco-Gutierrez’s live-in girlfriend, she

---

<sup>1</sup>Although Orozco-Gutierrez delayed sentencing for approximately twelve years by absconding before trial, our statute prohibiting certain appeals by fugitives, A.R.S. § 13-4033(C), does not bar this appeal. As we explained in *State v. Bolding*, that law applies “only if the defendant has been informed he could forfeit the right to appeal if he voluntarily delays his sentencing for more than ninety days.” 227 Ariz. 82, ¶ 20 (App. 2011). Orozco-Gutierrez absconded before § 13-4033(C) was enacted or became effective, suggesting he never was informed of the later-enacted consequence of absconding. *See* 2008 Ariz. Sess. Laws, ch. 25, § 1; *State v. Soto*, 225 Ariz. 532, ¶ 2 (2010) (§ 13-4033(C) effective September 26, 2008). Nothing in the record suggests such a warning was provided. Therefore, § 13-4033(C) is inapplicable, and we consider Orozco-Gutierrez’s appeal.

STATE v. OROZCO-GUTIERREZ  
Decision of the Court

awoke to find Orozco-Gutierrez touching her vagina with his hand, “skin to skin.” See A.R.S. §§ 13-1401(A)(3)(a), 13-1410(A).<sup>2</sup> Moreover, the sentence imposed is within the statutory limit. See A.R.S. § 13-705(D).<sup>3</sup>

¶4 Pursuant to our obligation under *Anders*, we have searched the record for reversible error and have found none. We therefore affirm Orozco-Gutierrez’s conviction and sentence.

---

<sup>2</sup>We cite the current version of the statutes in this decision, as they have not changed in relevant part since Orozco-Gutierrez committed his offense.

<sup>3</sup>The same presumptive seventeen-year sentence would have been imposed under the previous statute, A.R.S. § 13-604.01(D), now renumbered as § 13-705(D), 2008 Ariz. Sess. Laws, ch. 301, § 17, during the alleged time period—between 2001 and 2005—of Orozco-Gutierrez’s offense, see 2001 Ariz. Sess. Laws, ch. 334, § 7; 2005 Ariz. Sess. Laws, ch. 2, § 1.