

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

LONNIE JAMES RODRIGUEZ,
Appellant.

No. 2 CA-CR 2020-0136
Filed April 27, 2021

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NOT FOR PUBLICATION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. CR20182663001
The Honorable Deborah Bernini, Judge

AFFIRMED

COUNSEL

James Fullin, Pima County Legal Defender
By Alex D. Heveri, Assistant Legal Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

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

VÁSQUEZ, Chief Judge:

¶1 After a jury trial, Lonnie Rodriguez was convicted of two counts of aggravated assault with a deadly weapon, two counts of attempted aggravated assault of a minor under fifteen, discharging a firearm at a residential structure, unlawful discharge of a firearm within city limits, and drive-by shooting.¹ The jury found all but drive-by shooting to be dangerous offenses involving the use of a firearm. The trial court sentenced Rodriguez to a combination of concurrent and consecutive, aggravated prison terms totaling sixty years.

¶2 On appeal, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), stating she has “reviewed the entire record and was unable to find any meritorious issue to raise.” Consistent with *State v. Clark*, 196 Ariz. 530, ¶ 30 (App. 1999), counsel has provided “a detailed factual and procedural history of the case, with citations to the record,” and has asked us to search the record for error.² Rodriguez has not filed a supplemental brief.

¶3 Viewed in the light most favorable to affirming the jury’s verdicts, see *State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, see A.R.S. §§ 13-1001(A), 13-1204(A)(2), 13-1209(A), 13-1211(A), 13-3107(A). In June 2018, Rodriguez sent several threatening messages to his girlfriend, R.J., who had been trying to end their relationship. Rodriguez warned R.J. that he would go to her mother’s

¹Pursuant to a plea agreement, Rodriguez was also convicted of possession of a deadly weapon by a prohibited possessor.

²Counsel contends that “*Anders* requires the appellate court to review for any error that might warrant relief – fundamental or not.” The Arizona Supreme Court, however, has limited our review to fundamental, prejudicial error. See *State v. Fuller*, 143 Ariz. 571, 575 (1985).

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house and “mak[e] a ruckus,” reminding her that he had a gun and stating that he hoped she “told [her] brothers good-bye.” R.J. notified her mother and stepfather, who later heard the distinctive sound of Rodriguez’s loud car engine, followed by several gunshots; also home at the time were R.J.’s two younger brothers, ages six and twelve. All four were scared and took cover. Officers later found a bullet hole in the garage and two defects in the brick wall of the house, which was located in the Tucson city limits.

¶4 The record also supports the trial court’s finding of at least one historical prior felony conviction.³ The sentences imposed are within the statutory ranges. See A.R.S. §§ 13-703(B), (I), 13-704(A), 13-708(A), 13-1001(C)(2), 13-1204(E), 13-1209(D), 13-1211(A), 13-3107(A).

¶5 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, prejudicial error and have found none. Accordingly, we affirm Rodriguez’s convictions and sentences.

³In the course of our review, we discovered that the record on appeal did not include the transcript from the trial on Rodriguez’s prior convictions. We ordered that transcript and gave both counsel and Rodriguez leave to file a supplemental brief. No issues related thereto were subsequently raised.