

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

DEC 17 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA	)	2 CA-CR 2010-0068
	)	DEPARTMENT A
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
ALEJANDRO MIGUEL GIBSON,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20093100001

Honorable John S. Leonardo, Judge

AFFIRMED

Robert J. Hirsh, Pima County Public Defender  
By Rebecca A. McLean

Tucson  
Attorneys for Appellant

H O W A R D, Chief Judge.

¶1 Following a two-day jury trial, Alejandro Gibson was convicted of second-degree burglary, a class three felony, and theft by control, a class four felony, committed in January 2007. See A.R.S. §§ 13-1507, 13-1802(A)(1), (G). The trial court suspended the imposition of sentences and imposed concurrent, three-year terms of probation. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2

P.3d 89 (App. 1999), stating she has reviewed the record thoroughly and has found no meritorious issues to raise on appeal. She asks this court to search the record for fundamental error. Gibson has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support the jury's findings of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). And, the terms of probation are authorized by law. In summary, one of the victims, S., arrived home and discovered his bedroom window had been broken. S.'s mother, who also lived in the home, testified she then had discovered several items were missing and had seen a footprint, and may have seen drops of blood, in the hallway near S.'s bedroom. Police found a bloody towel at the scene; tests revealed that Gibson's known deoxyribonucleic acid matched the blood on the towel.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Gibson's convictions and the probationary terms imposed.

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Presiding Judge

/s/ Philip G. Espinosa

PHILIP G. ESPINOSA, Judge