

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

TIMOTHY EUGENE GREEN II,
Appellant.

No. 2 CA-CR 2013-0486
Filed June 30, 2014

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NOT FOR PUBLICATION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); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County
No. CR20124287001
The Honorable Casey F. McGinley, Judge

AFFIRMED

COUNSEL

Lori J. Lefferts, Pima County Public Defender
By Michael J. Miller, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Chief Judge Howard and Presiding Judge Vásquez concurred.

M I L L E R, Judge:

¶1 Timothy Green was convicted after a jury trial of assault, aggravated assault, and kidnapping. The trial court found Green had a prior felony conviction and sentenced him to concurrent, presumptive sentences, the longest of which was 9.25 years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing he has reviewed the record and found no “arguably meritorious issue to raise on appeal.” In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Green has not filed a supplemental brief.

¶2 Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008), the evidence established that while Green and the victim were at a friend’s home, Green “started hitting [the victim] for no apparent reason”; “punched” her in the eye and caused her to bleed; and, blocked the door so that the victim felt “there was no chance of [her] going anywhere.” The victim was left with a scar near her eye from stitches she received related to injuries Green had caused. We conclude substantial evidence supported the elements necessary for Green’s convictions, *see* A.R.S. §§ 13-1203(A)(1), (B), 13-1204(A)(3), (D), 13-1304(A)(3), (4), (B), and the sentences are within

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the prescribed statutory range and were imposed lawfully, *see* A.R.S. §§ 13-707(A)(1), 13-703(B)(2), (I).¹

¶3 In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Green's convictions and sentences.

¹We refer to the version of the statutes in effect at the time of Green's offenses.