

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

MELISSA MOSER,  
*Appellant.*

No. 2 CA-CR 2015-0025  
Filed November 30, 2015

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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NOT FOR PUBLICATION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. 31.24.*

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Appeal from the Superior Court in Cochise County

No. CR201300469

The Honorable James L. Conlogue, Judge

**AFFIRMED**

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COUNSEL

Harriette P. Levitt, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

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

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ESPINOSA, Judge:

¶1 After a jury trial, Melissa Moser was convicted of first-degree murder and two counts of aggravated assault (domestic violence). The trial court sentenced her to a natural life prison term for murder with concurrent prison terms for the aggravated assault convictions.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has reviewed the record but found no arguably meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for error. Moser has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the verdicts, see *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports the jury’s verdicts here. In July 2013, Moser, her boyfriend Antonio, and another person had a physical altercation with her husband, J.; while Antonio held J. down, Moser choked him. A.R.S. §§ 13-1204(A)(3), (4); 13-3601(A)(1). J. was able to extricate himself and leave the premises but returned shortly after. When he entered the apartment, Moser handed a kitchen knife to A. and told him to “take care of it”; A. then stabbed J. repeatedly, killing him. A.R.S. §§ 13-301, 13-303(A)(3), (B), 13-1105(A)(1). Moser’s prison terms are

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within the statutory limits and were imposed properly. A.R.S. §§ 13-702(B), (D), 13-752(A), 13-1105(D), 13-1204(D).<sup>1</sup>

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Accordingly, Moser's convictions and sentences are affirmed.

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<sup>1</sup>Moser's conviction of first-degree murder pursuant to § 13-1105(A)(1) required the court to impose a natural life sentence pursuant to § 13-752(A).