

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

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 08/12/2010
RUTH WILLINGHAM,
ACTING CLERK
BY: GH

STATE OF ARIZONA,) 1 CA-CR 09-0305
)
Appellee,) DEPARTMENT B
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
GILBERT ANTHONY MARTINEZ,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2006-048077-002 DT

The Honorable Rosa Mroz, Judge

AFFIRMED

Terry Goddard, Attorney General Phoenix
by Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

Yvette Gray, Attorney at Law Phoenix
by Yvette C. Gray
Attorneys for Appellant

P O R T L E Y, Judge

¶1 This is an appeal under *Anders v. California*, 386 U.S.

738 (1967) and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878

(1969). Counsel for Defendant Gilbert Anthony Martinez has advised us that, after searching the entire record, she has been unable to discover any arguable questions of law, and has filed a brief requesting us to conduct an *Anders* review of the record. Defendant was given an opportunity to file a supplemental brief, and has not filed one.

FACTS¹

¶2 This is a home invasion offense that occurred during the evening of February 13, 2006. Defendant and two other people went to the victim's house, held him at gunpoint and stole guns, jewelry, a briefcase, and the victim's pick-up truck. They left in the truck and a red passenger vehicle.

¶3 Because the victim's truck had LoJack tracking technology, the police quickly located the truck. Defendant was not in the truck, but was in the nearby red car. Defendant and the others were arrested, a search warrant was issued and the victim's property was recovered from the red car.

¶4 Defendant was charged with armed robbery, kidnapping, burglary in the first degree, and theft of means of transportation. All were charged as dangerous offenses except the theft of means of transportation. The jury found Defendant guilty on all the charges except kidnapping. After finding that

¹ We review the facts in the light most favorable to sustaining the verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

Defendant had four prior felony convictions, the trial court sentenced him to concurrent sentences of 15.75 years for the armed robbery, a dangerous offense, and burglary in the first degree, a dangerous offense, and 11.25 years for theft of means of transportation. He received 8 days of presentence incarceration credit.

¶15 Defendant appealed, and we have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031 and -4033(A)(1) (2010).

DISCUSSION

¶16 We have read and considered counsel's brief, and have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Defendant was represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits.

CONCLUSION

¶17 After this decision has been filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel need do no more than inform Defendant of the status of the appeal and Defendant's future options, unless counsel's

review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Defendant can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶8 Accordingly, we affirm Defendant's convictions and sentences.

/s/

MAURICE PORTLEY, Judge

CONCURRING:

/s/

JOHN C. GEMMILL, Presiding Judge

/s/

PATRICIA K. NORRIS, Judge