

¶1 Lee Isaac Salazar appeals from his conviction and sentence for armed robbery, a class two dangerous felony. Salazar was sentenced on September 15, 2009, and timely filed a notice of appeal on September 23, 2009. Salazar's counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising this court that after searching the entire record on appeal, he finds no arguable ground for reversal. Salazar was granted leave to file a supplemental brief *in propria persona* on or before May 19, 2010, and did not do so.

¶2 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 (2010), and 13-4033(A)(1) (2010). We are required to search the record for reversible error. Finding no such error, we affirm.

Facts and Procedural Background¹

¶3 On November 6, 2008, Victim brought a drink order out to two female customers in a dark pickup truck at a Sonic restaurant late at night. As Victim handed the drinks to the two women in the truck, a man came up from behind and pressed a knife to Victim's neck, and another man came in front of him and

¹ We review the facts in the light most favorable to sustaining the jury's verdict and resolve all inferences against Salazar. *State v. Fontes*, 195 Ariz. 229, 230, ¶ 2, 986 P.2d 897, 898 (App. 1998).

started yanking at his changer and apron demanding money. The changer contained \$30 to \$35 and the apron held \$170 to \$190. Victim gave the men his changer and apron then ran back into the store and told his manager that he had just been robbed. The manager called the police. She noticed red marks on Victim's neck, skinned knees, missing hat, apron, and changer, and that he looked very "distraught" and "frantic." Earlier that evening, the manager had noticed a Dodge Ram circle the Sonic lot three to four times.

¶4 Officer J.L. arrived at the Sonic and spoke with Victim who was "very shookened [sic] up" and "very, very anxious." Officer L.C. stopped a black Dodge pickup that was in the area. When he noticed the two subjects in the back seat matched the description of the two robbery suspects he pointed his weapon at the vehicle and walked over to the passenger door. When Officer L.C. opened the door some money fell out and he noticed a large sum of money on the floor behind the passenger seat. An apron with Sonic's logo on it was found behind a nearby store. Detective J.B. found Sonic drink cups in the truck. Victim identified the two men and one of the women in the truck. At the police station, Salazar waived his *Miranda* rights and told the police he went to Sonic to get "the money." He admitted to

removing the changer and apron from Victim, but said the other man held the knife.

¶15 On November 12, 2008, Salazar was charged with armed robbery, a class two dangerous felony. Salazar rejected the State's plea offer after a *Donald* advisement, and his case proceeded to trial. Salazar was present and represented by counsel at all times during trial. The court conducted a voluntariness hearing on July 23, 2009.

¶16 At trial, the State presented testimony by Victim, the Sonic manager, two Sonic customers who were present at the time of the robbery, four police officers, and a detective. Victim identified Salazar the night of the robbery and testified at trial that Salazar was one of the two men who robbed him with a knife. Victim testified that he was incredibly scared with a "knife to [his] neck," and he "thought [he] was going to die at that point." Two Sonic customers identified the vehicle and heard Victim say "he had just been robbed." When Officer L.C. opened the door to the truck money fell out and he saw a large sum of money on the floor behind the passenger seat. Detective J.B. testified that Sonic drink cups were in the cab of the truck. At the conclusion of the State's case, the defense presented the testimony of Detective D.H.; C.R., the driver of the truck; and S.R., the female passenger. C.R. testified that

Salazar "pocket checked" Victim, meaning he took Victim's money. S.R. testified that the robbery was planned. Salazar did not testify at trial.

¶7 At the conclusion of trial, an eight-person jury convicted Salazar of armed robbery and found it to be a dangerous offense. Salazar waived his right to have the jury determine aggravating circumstances, and the court found the State had proven beyond a reasonable doubt the aggravating factor of the presence of an accomplice. At sentencing, the trial court provided Salazar an opportunity to speak and then ordered a mitigated sentence of 7 years with 112 days of presentence incarceration credit, and \$300 in restitution owed jointly and severally.

Disposition

¶8 We have reviewed the record and have found no meritorious grounds for reversal of Salazar's conviction or for modification of the sentence imposed. See *Anders*, 386 U.S. at 744; *Leon*, 104 Ariz. at 300, 451 P.2d at 881. Salazar was present at all critical stages of the proceedings and was represented by counsel. All proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. Accordingly, we affirm.

¶9 After the filing of this decision, counsel's obligations in this appeal have ended subject to the following. Counsel need do no more than inform Salazar of the status of the appeal and Salazar's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Salazar has thirty days from the date of this decision to proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

/S/

DANIEL A. BARKER, Judge

CONCURRING:

/S/

PATRICIA A. OROZCO, Presiding Judge

/S/

LAWRENCE F. WINTHROP, Judge