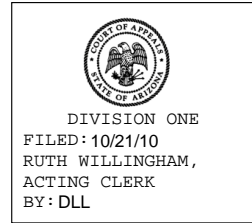


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

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

STATE OF ARIZONA,)	
)	No. 1 CA-CR 09-0720
Appellee,)	
)	DEPARTMENT E
v.)	MEMORANDUM DECISION
)	
FELIPE SANDOVAL,)	(Not for Publication -
)	Rule 111, Rules of the
Appellant.)	Arizona Supreme Court)
)	
)	

Appeal from the Superior Court in Maricopa County

Cause No. CR 2008-180522-001 DT

The Honorable Joseph C. Welty, Judge

AFFIRMED

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

James Haas, Maricopa County Public Defender	Phoenix
by Spencer D. Heffel, Deputy Public Defender	
Attorneys for Appellant	

H A L L, Judge

¶1 Felipe Sandoval (defendant) appeals from his convictions and the sentences imposed.

¶2 Defendant's appellate 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 that, after a diligent search of the record, he was unable to find any arguable grounds for reversal. This court granted defendant an opportunity to file a supplemental brief, which he has not done. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999).

¶3 We review for fundamental error, error that goes to the foundation of a case or takes from the defendant a right essential to his defense. See *State v. King*, 158 Ariz. 419, 424, 763 P.2d 239, 244 (1988). We view the evidence presented at trial in a light most favorable to sustaining the verdict. *State v. Cropper*, 205 Ariz. 181, 182, ¶ 2, 68 P.3d 407, 408 (2003). Finding no reversible error, we affirm.

¶4 Defendant was charged by indictment with one count of burglary in the first degree, a class two dangerous felony, in violation of Arizona Revised Statutes (A.R.S.) section 13-1508(A) (2010); one count of aggravated assault, a class three dangerous felony, in violation of A.R.S. § 13-1204(A)(2) (2010); one count of misconduct involving body armor, a class four felony, in violation of A.R.S. § 13-3116(A) (2010); and one

count of misconduct involving weapons, a class four felony, in violation of A.R.S. § 13-3102(A)(4) (2010).

¶15 The following evidence was presented at trial. In the early morning of December 24, 2008, J.C was lying in bed and heard a "loud bang" on an interior door of his home. He "grabbed" his gun, located next to his bed, and yelled "[W]ho is it?" Moments later, he heard another loud bang on his bedroom door leading to the pool and yelled "[W]ho the fuck is this?" Defendant then kicked in a bedroom window, causing it to shatter. J.C. saw defendant crouching down and holding a laser pointer.

¶16 J.C. saw the laser scanning the room and "started shooting," firing five shots. Defendant "hit the ground" and J.C. ran out of the house. J.C. went to his neighbor's house and asked him to "call the cops." While waiting for the police to arrive, J.C. observed a white sedan "racing" by the house.

¶17 At approximately 1:00 a.m. on December 24, 2008, Officer W.C. of the Phoenix Police Department was responding to a "shots fired" call in the vicinity of 17th Avenue and Orchid when he received another "shooting call." He responded to the second call and observed defendant at a convenience store sitting on the curb with blood on the front of his shirt. Defendant told Officer W.C. that he had been shot by someone walking down 19th Avenue. The officer then asked defendant to

unzip his shirt. The officer noticed that defendant was wearing a "camouflage flak vest."

¶18 While the firemen and E.M.T.'s were treating defendant, Officer W.C. saw what appeared to be "a shiny copper object" sitting on top of defendant's underwear, a "spent bullet." At trial, D.H., a forensic scientist with the Phoenix Police Crime Lab, testified that the bullet found on defendant was the bullet fired from the J.C.'s gun.

¶19 After a four-day trial, the jury found defendant guilty on all counts. The parties stipulated that defendant was a prohibited possessor. The parties also stipulated that defendant has multiple prior historical felony convictions. The trial court sentenced defendant to an aggravated term of 18 years of imprisonment on the count of burglary in the first degree; an aggravated term of 10 years of imprisonment on the count of aggravated assault; the presumptive term of 10 years of imprisonment on the count of misconduct involving body armor; and the presumptive term of 10 years of imprisonment on the count of misconduct involving weapons. The trial court further ordered that all sentences are to run concurrently.

¶10 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

