IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

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FILED: 03/06/2012
RUTH A. WILLINGHAM, CLERK
BY: DLL

STATE OF ARIZONA,	)	1 CA-CR 10-0606
	)	
Appellee,	)	DEPARTMENT D
	)	
v.	)	**MEMORANDUM DECISION**
	)	
EDGAR JAVIER ENRIQUEZ,	)	(Not for Publication –
	)	Rule 111, Rules of the
Appellant.	)	Arizona Supreme Court)
	)	

Appeal from the Superior Court in Maricopa County

Cause No. CR2006-163491-001 SE

The Honorable Warren J. Granville, Judge

AFFIRMED

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T H O M P S O N, Presiding Judge

¶1 Edgar Javier Enriquez appeals his convictions for first degree murder, kidnapping, and sale or transportation of

narcotic drugs for sale. Enriquez contends the trial court erred when it denied his motions to suppress and his motion for mistrial. For the reasons that follow, we affirm Enriquez's convictions and sentences.

I. Background

¶2 The victim was an informer who provided information to police about Enriquez's drug trafficking activities. This information resulted in a police operation in which police surreptitiously seized cocaine from a vehicle driven by Enriquez. Enriquez believed the cocaine had been stolen and suspected the informant was involved. Enriquez and other men eventually took the victim to a house where they tortured and murdered him.

¶3 Enriquez was charged with first degree murder, kidnapping, sale or transportation of narcotic drugs for sale, and possession of marijuana for sale. After a twenty-four day trial that took place over the course of nearly two months, a jury found Enriquez guilty of first degree murder, kidnapping, and sale or transportation of narcotic drugs for sale, but acquitted him of possession of marijuana for sale. Enriquez does not challenge the sufficiency of the evidence to support his convictions. The trial court sentenced Enriquez to imprisonment for natural life for first degree murder, ten years' imprisonment for kidnapping, and ten years' imprisonment

for sale or transportation of narcotic drugs for sale. The court ordered the sentences for murder and kidnapping to be served concurrently with each other but consecutively to the sentence for sale or transportation. Enriquez now appeals. 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) (2003), 13-4031 (2010) and 13-4033 (2010).

II. The Search of the Truck

¶4 Based on information obtained from the victim, police conducted a traffic stop of a black pickup truck driven by Enriquez. During the course of the stop, police surreptitiously searched the truck and seized approximately thirty-five kilograms of cocaine. As the first issue on appeal, Enriquez argues the trial court erred when it denied his motion to suppress the cocaine found in the truck. Enriquez argues police had no probable cause to search the truck; police could not conduct a warrantless search of the truck because they had time to get a warrant; and the court should otherwise have suppressed the cocaine because the actions of the police were "unconscionable."

¶5 We will not disturb a trial court's ruling on a motion to suppress absent clear and manifest error. *State v. Hyde*, 186 Ariz. 252, 265, 921 P.2d 655, 668 (1996). In our review, we give deference to the trial court's factual findings. *State v.*

Adams, 197 Ariz. 569, 572, ¶ 16, 5 P.3d 903, 906 (App. 2000). We review de novo, however, the ultimate legal question of whether the search violated Defendant's constitutional rights. *Id.* We review the facts in the light most favorable to sustaining the ruling on a motion to suppress. *Hyde*, 186 Ariz. at 265, 921 P.2d at 668. We confine our review to consideration of the facts presented at the suppression hearing. *State v. Blackmore*, 186 Ariz. 630, 631, 925 P.2d 1347, 1348 (1996).

¶6 In August 2006, a detective with the Los Angeles Police Department contacted the supervisor of the "conspiracy squad" of the Phoenix Police Department Drug Enforcement Bureau. The Los Angeles detective informed the supervisor that one of his informers, the victim, had information regarding individuals in Phoenix who were trafficking cocaine. The victim eventually provided Phoenix police with information regarding Enriquez. Phoenix police were already aware Enriquez was a possible source of cocaine based on information obtained in a separate unrelated investigation.

¶7 During the time they worked with the victim, police independently verified information the victim provided about Enriquez and his operation. Police verified Enriquez was known among his cohorts by the Spanish term for "Engineer" and was, in fact, employed as an engineer. Police verified Enriquez's brother was known as "Marine" and had once served in the

Marines. Police verified Enriquez drove a black pickup truck and verified the number of the license plate. Police verified that phone numbers provided by the victim were associated with Enriquez and/or his family. Through phone records, police verified the victim and Enriquez were in contact with each other at the times the victim claimed. Police verified other people identified by the victim were in fact known members of a drug cartel. In short, police independently verified that the information provided by the victim was correct and found nothing to indicate the victim was not trustworthy. The police also verified the victim had no criminal history.

¶8 In late August 2006, the victim informed police Enriquez planned to pay the victim, who was a truck driver, to ship thirty-five to forty kilograms of cocaine across the country. The victim provided police information regarding the date, time and location of a meeting between the victim and Enriquez. During that subsequent meeting, which was observed by police, Enriquez provided the victim a map which showed the location where Enriquez would deliver the cocaine to the victim. Enriquez left the meeting in a black pickup truck. After the meeting, the victim showed the map to police and told them Enriquez still planned to pay him to ship thirty-five to forty kilograms of cocaine across the country.

¶9 The victim later contacted police when Enriquez finally determined the date he would deliver the cocaine to the victim. On the date the delivery was to take place, Enriquez spoke to the victim by phone and initially told him to meet Enriquez at the same location on the map he had previously given him. As that call took place, police observed a residence where Enriquez was located. The black pickup Enriquez had previously driven, a green Camry, and a gold Tahoe were parked outside the residence. Police believed Enriquez would move the cocaine from this residence.

¶10 Minutes after Enriquez and the victim completed their phone call, police at the residence observed someone drive the black truck into the garage and close the garage door. Approximately five minutes later, two men came out of the house and drove away in the Camry. Shortly thereafter, Enriquez drove the black truck out of the garage and drove away. Based on the circumstances and their experience, police believed someone loaded contraband into the truck when it was taken into the garage. After Enriquez drove away in the black truck, the victim informed police that Enriquez had just confirmed he was en route to the meeting with the cocaine. The victim also informed police that Enriquez had also just changed the location of the meeting. It is a common practice in the drug trafficking

trade to change the location of a meeting at the last moment for security purposes.

¶11 As noted above, the Camry left the residence minutes before Enriquez left the residence in the black truck. Drug traffickers routinely use other vehicles for "counter-surveillance." Police believed the people in the Camry were running counter-surveillance - attempting to detect if police or anyone else was following or conducting surveillance of them or Enriquez; looking for other drug traffickers who might "rip them off," and generally making sure "the coast is clear." Based on the circumstances, police believed the presence of counter-surveillance was further indication that a drug transaction was taking place. Police also believed they now had probable cause to stop the truck and search it for cocaine.

¶12 Police had previously planned that once they believed Enriquez had begun to move the cocaine for delivery to the victim, they would use what they candidly referred to as a "ruse" to seize Enriquez's cocaine without his knowledge. The police planned to have a uniformed patrol officer(s) conduct a pretextual traffic stop of whichever vehicle they ultimately suspected contained the cocaine. If all went as planned, the occupants of the vehicle would give their consent to go to the nearest precinct station to be photographed and fingerprinted and later returned to their vehicle. While the occupants of the

vehicle were at the precinct station, the police would enter the truck and remove the cocaine. The Drug Enforcement Bureau of the Phoenix Police Department commonly used this type of operation. Police also believed conducting the stop in this manner protected the identity of the victim as a confidential informant, since the stop would occur before the meeting took place.

¶13 Police would not arrest the occupants of the truck because they were more interested in the "big picture." Their goal was not to arrest the people transporting the cocaine; their goal was to obtain evidence and information, work their way up to the top of the drug organization, develop a case, and eventually dismantle the entire organization. Even absent an arrest, obtaining photographs and fingerprints consensually at that time would further the investigation and allow for the eventual indictment of known, positively identified suspects.

¶14 Enriquez did not make any stops after he left the residence. Police eventually stopped Enriquez and issued a citation to him after he failed to properly signal before a turn. As hoped, Enriquez and his passenger gave their consent to go to the precinct station and be photographed and fingerprinted. When they left with police, they left the truck unlocked. Police observed that when they stopped Enriquez, the Camry running counter-surveillance circled the area and did not

leave until Enriquez and his passenger were taken to the precinct station for identification.

¶15 While Enriquez and his passenger were gone, police entered the truck, opened a large duffle bag and found thirty-five kilograms of cocaine. Police removed the cocaine and impounded it. They also rummaged through the truck to make it appear as if it had been burglarized. Someone driving the same Tahoe that had been parked outside the residence with the truck and the Camry eventually brought Enriquez back to the truck. When Enriquez looked in the truck and realized the cocaine was gone, he became "agitated."

¶16 Enriquez filed a motion to suppress in which, among other things, he argued police had no probable cause to search the truck and/or that they could not conduct a warrantless search because they had sufficient time to obtain a warrant after the stop. After a two-day evidentiary hearing, the trial court denied Enriquez's motion to suppress the evidence seized from the truck. The court found that under the totality of the circumstances, police had probable cause to believe the truck contained cocaine and, therefore, could conduct a warrantless search of the truck pursuant to the "automobile exception."

¶17 "The Fourth Amendment generally requires police to secure a warrant before conducting a search." *Maryland v. Dyson*, 527 U.S. 465, 466 (1999). Under the "automobile

exception," however, police may conduct a warrantless search of a vehicle if there is probable cause to believe the vehicle contains contraband. *United States v. Johns*, 469 U.S. 478, 484 (1985). A warrantless search of a vehicle is permissible "if based on facts that would justify the issuance of a warrant, even though a warrant has not actually been obtained." *United State v. Ross*, 456 U.S. 798, 809 (1982). Further, "[i]f probable cause justifies the [warrantless] search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search." *Id*. at 825. Finally, if the automobile exception applies, there is no requirement of a separate exigency. *Dyson*, 527 U.S. at 467. If probable cause to search the vehicle exists, police may search the vehicle without more. *Id*. Therefore, no warrant is required even if police have time to obtain one.

¶18 Regarding what constitutes "probable cause" to search, "[p]robable cause to search is information sufficient to justify a belief by a reasonable person that an offense has been or is being committed, and that items connected with that crime will be found in the place the officer proposes to search." *State v. Swanson*, 172 Ariz. 579, 585, 838 P.2d 1340, 1346 (App. 1992) (internal citation omitted). It is not possible to articulate precisely what "probable cause" means, however. *Ornelas v.*

United States, 517 U.S. 690, 695 (1996). Probable cause is a "commonsense, nontechnical" concept that deals with "the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." *Id.* (citation omitted). Where informants are involved, the reliability of the informant is a factor to be considered in the determination of whether probable cause to search exists. *State v. Camargo*, 112 Ariz. 50, 51, 537 P.2d 920, 921 (1975). "[C]itizen informants are presumed to be reliable, [however,] particularly when they have personally observed the criminal conduct they describe." *State v. Coats*, 165 Ariz. 154, 159, 797 P.2d 693, 698 (App. 1990) (internal citation omitted). As noted above, the victim/informant had no criminal record, the police had independently verified as true virtually all the information he had provided, and there was nothing to indicate he was in any way unreliable.

¶19 Based on the evidence admitted at the suppression hearing, we find no error in the denial of the motion to suppress the evidence seized from the truck. Under the totality of the circumstances, police had probable cause to believe the truck contained contraband. The victim provided police information regarding Enriquez's drug trafficking activities. Over the course of the investigation, that information proved to be reliable. The victim later provided

information to police that Enriquez would deliver a load of cocaine to him for shipment. Police observed the meeting in which the delivery of the cocaine was discussed. The victim provided police the map of the delivery location given to him by Enriquez. When Enriquez finally arranged for the delivery to take place, police saw simultaneous activity at the residence where Enriquez was located. Minutes after Enriquez called the victim to tell him to meet him for the delivery, police saw the black truck move into the garage and the counter-surveillance vehicle leave. Minutes later, Enriquez drove away in the black truck. After Enriquez drove away, he called the victim to tell him he was on the way with the cocaine, but changed the location of the meeting, a common tactic of drug traffickers. When police conducted the traffic stop, the counter-surveillance vehicle did not leave the area until Enriquez went to the precinct station for identification.

¶20 All of this was sufficient to establish probable cause to believe the truck contained contraband. Therefore, the police could conduct a warrantless search of the truck and any place within the truck where the cocaine could be located. That no single officer may have known all of the above information at the time of the search is of no matter. No single officer need be in personal possession of all the facts which establish probable cause. Probable cause may be established "from the

collective knowledge of all the law enforcement agents involved." *State v. Lawson*, 144 Ariz. 547, 553, 698 P.2d 1266, 1272 (1985) (citation omitted); *State v. Peterson*, 171 Ariz. 333, 335, 830 P.2d 854, 856 (App. 1991).

¶21 Regarding Enriquez's argument that the evidence should have been suppressed because the police conduct was "unconscionable," the police could conduct the stop even though it was admittedly pretextual. "'[T]he fact that an officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification of the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action.'. . . Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis." *Ohio v. Robinette*, 519 U.S. 33, 38 (1996) (quoting *Whren v. United States*, 517 U.S. 806, 813 (1996)). Therefore, police could wait for Enriquez to violate a traffic law and, in turn, conduct a traffic stop. As noted above, because probable cause to search the truck existed at that time, police needed nothing more to conduct the warrantless search and seize the cocaine.

III. The Search of the "Evergreen" House

¶22 Enriquez also contends the trial court erred when it denied his motion to suppress evidence found during a warrantless search of the "Evergreen" house. Again, we review

the facts in the light most favorable to sustaining the ruling on a motion to suppress, *Hyde*, 186 Ariz. at 265, 921 P.2d at 668, and confine our review to consideration of the facts presented at the suppression hearing. *Blackmore*, 186 Ariz. at 631, 925 P.2d at 1348.

¶23 Several weeks after police surreptitiously seized Enriquez's cocaine, Enriquez arranged to take the victim to a warehouse where he claimed he would provide the victim 100 kilograms of cocaine for another shipment. Against the instructions of police officers, the victim got in a vehicle with Enriquez and another man rather than simply follow them to the warehouse. Police attempted to follow Enriquez's vehicle but eventually lost contact in the vicinity of South Evergreen Road. Police knew Enriquez's parents lived on South Evergreen Road and believed he was going to their house, so police proceeded to that house and began surveillance. Enriquez never arrived at his parents' house, however. In the meantime, police were unable to contact the victim by phone and became more concerned for his safety.

¶24 Approximately two hours and twenty minutes after they lost contact with Enriquez's vehicle, police decided to check another house on Evergreen several blocks away from Enriquez's parents' house. Police had seen Enriquez at the other house earlier in the day, but only for a short time. When a detective

checked the windows and doors of the house, he could not see or hear anything inside. Concerned for the victim's safety, the detective entered the house and found the victim's body and a large quantity of marijuana.

¶25 During the evidentiary hearing on the motion to suppress, the trial court eventually stopped the substantive testimony to address the court's concerns regarding standing. In his motion to suppress, Enriquez raised the issue of standing when he argued he had a reasonable and legitimate expectation of privacy in the Evergreen house and, therefore, had standing to challenge the search that revealed the victim's body and the marijuana. At the evidentiary hearing, Enriquez further argued he had standing because the State charged him with possession of the marijuana found in the house.[1] The trial court noted there was no evidence Enriquez owned or leased the house or that he had authorization from anyone to use the house for any purpose and, therefore, no evidence Enriquez had standing to challenge the search of the house. The court also noted it was Enriquez's burden to establish standing. When the court asked Enriquez if he planned to offer any other evidence to prove he had a privacy interest in the house, Enriquez answered, "No, sir." Enriquez did not ask for the opportunity to introduce any other evidence

[1] Again, the jury acquitted Enriquez of the marijuana charge.

and did not claim he needed more time to obtain additional evidence or provide testimony. The trial court ultimately held Enriquez had no standing to challenge the search of the house on Evergreen and denied the motion to suppress "For now." The court told Enriquez he could raise the issue again at a later time, but Enriquez did not do so.

¶26 "In order to have a protected Fourth Amendment interest, a criminal defendant must have a 'legitimate expectation of privacy in the invaded place.'" *State v. Steiger*, 134 Ariz. 268, 271, 655 P.2d 808, 811 (App. 1982) (quoting *Rakas v. Illinois*, 439 U.S. 128, 141 (1978)). To have a legitimate expectation of privacy, a person must exhibit an "actual (subjective) expectation of privacy" of a type "that society is prepared to recognize as reasonable." *Steiger*, 134 Ariz. at 272, 655 P.2d at 812 (quoting *Smith v. Maryland*, 442 U.S. 735, 740 (1979)). A person charged with an offense that involves the possession of contraband does not automatically have a legitimate expectation of privacy in the area where the contraband is found. *Id.*; *see also State v. Juarez*, 203 Ariz. 441, 444, ¶ 12, 55 P.3d 784, 787 (App. 2002) ("Mere possession or ownership of a seized item is insufficient to create a legitimate expectation of privacy in the area searched."). "A person charged with the crime of possession 'may only claim the benefits of the exclusionary rule if their own Fourth Amendment

rights have in fact been violated.'" *Id*. (quoting *United States v. Salvucci*, 448 U.S. 83, 85 (1980)). Finally, the defendant bears the burden of proving the existence of a legitimate expectation of privacy in the place that is searched. *Rawlings v. Kentucky*, 448 U.S. 98, 104 (1980). We review de novo, however, whether an expectation of privacy is recognized by society as objectively reasonable. *State v. Alle*n, 216 Ariz. 320, 324, ¶ 14, 166 P.3d 111, 115 (App. 2007).

¶27 We find no error in the denial of the motion to suppress the evidence found in the Evergreen house. There was no evidence Enriquez owned, leased, or rented the house. There was no evidence Enriquez ever worked or lived in the house under any circumstances for any period of time. There was no evidence anyone with any ownership or possessory interest in the house gave Enriquez permission to use the house for any purpose. Therefore, Enriquez had no objectively reasonable expectation of privacy recognized by society. Therefore, Enriquez had no standing to challenge the search of the house.

¶28 Regarding Enriquez's claim that the trial court denied him the opportunity to prove he had a legitimate expectation of privacy and/or that the court should have considered additional testimony, these arguments are groundless. First, Enriquez knew standing would be an issue at the hearing because he raised the issue in his motion to suppress. He not only had the

opportunity to establish standing at the hearing, but knew it would be necessary for him to do so at that time. Further, the trial court expressly asked Enriquez if he had any other evidence to offer to establish standing and Enriquez responded he did not. We note that Enriquez, who was present at the evidentiary hearing, could have testified at the hearing in an effort to establish standing and done so without risk to his defense, but he did not do so. *See United States v. Salvucci*, 448 U.S. 83, 88 (1980) ("testimony given by a defendant in support of a motion to suppress cannot be admitted as evidence of his guilt at trial."). Finally, the trial court expressly informed Enriquez he could raise the issue again at a later time, but Enriquez failed to do so.

IV. The Denial of a Mistrial

¶29 As the final issue on appeal, Enriquez asserts the trial court erred when it denied his motion for mistrial. Enriquez moved for a mistrial during the testimony of Enriquez's co-defendant, who pled guilty to the kidnapping and second degree murder of the victim and testified against Enriquez. During the cross-examination of the co-defendant, Enriquez asked him the date of his arrest. Enriquez then asked the co-defendant if on that same day or the day after he had "a lawyer, actually several lawyers" assisting him with the defense of his case, to which the co-defendant answered, "Yes, sir."

¶30 When the State began its redirect examination of the co-defendant, the examination proceeded as follows:

> Prosecutor: "Mr. [Co-defendant], the defense counsel asked you about you having a lawyer helping you in this case. Do you remember that at the very beginning when he started asking you questions? You have lawyers helping you in this case"
>
> Co-defendant: "Yes, sir."
>
> Prosecutor: "You have two lawyers that are court-appointed to you?"
>
> Co-defendant: "Correct, sir."
>
> Prosecutor: "You don't have the money to pay for your own lawyers?"
>
> Co-defendant: "No, sir."
>
> Prosecutor: "You're not part of a drug cartel?"
>
> Co-defendant: "No, sir."
>
> Prosecutor: "You don't – do you have a drug organization that's backing you to pay for your attorneys?"
>
> Defense Counsel: "Wait a minute. This is way improper, Your Honor."
>
> Trial Court: "Sustained."
>
> Defense Counsel: "That's is [sic] an insult. That's unethical."
>
> Trial Court: "Sustained."
>
> Prosecutor: "You have court-appointed attorneys; is that right?"
>
> Defense Counsel: "This is a topic that he shouldn't even be touching, Your Honor."
>
> Trial Court: "Sustained."

Prosecutor: "Redirect, Your Honor."

Trial Court: "I know what it is. Sustained."

¶31 Enriquez later moved for a mistrial. Enriquez argued the State intentionally and improperly insinuated that a drug cartel was paying for Enriquez's attorneys. The State denied the allegation. The State argued Enriquez implied the co-defendant's attorneys were paid for by a cartel when he implied it was unusual for the co-defendant to have multiple attorneys representing him so soon after his arrest. The State argued it was only trying to make it clear that no drug organization was paying for the co-defendant's counsel as suggested by Enriquez. Enriquez countered that he asked the co-defendant about how many lawyers he had immediately after his arrest only to show he had access to discovery early in the case and had three years to develop his story based on information contained in the discovery.

¶32 The trial court noted that it may not have been the State's intent to imply that a drug cartel had paid for Enriquez's counsel, but that was "the message received," and that was why the court sustained the objection. The court noted, however, that the State asked the questions two-and-a-half weeks into trial on the tenth day of testimony, and that

the objections to the questions were sustained.[2] The court held the series of questions and answers were not "of such great moment" to justify a mistrial and denied the motion for mistrial. The next day, the court again noted it accepted the State's explanation of its intent. Even so, the court instructed the jury as follows:

> Yesterday, it was improper for the State to suggest in the question to [the co-defendant] that the fees for Mr. Enriquez' legal defense came from a drug cartel. It was an insinuation not based on the evidence and not relevant to your determination of whether the State has proven each element of each crime charged beyond a reasonable doubt.
>
> A jury cannot consider any issues with regard to a defense counsel or a right to counsel. A jury cannot consider or speculate regarding a defendant's ability to pay for counsel. These matters are not relevant for your consideration. I, therefore, sustained the defense objection to the question. You must disregard the question and any answer.

¶33 The trial court has broad discretion on motions for mistrial. The failure to grant a motion for mistrial is error only if it was a clear abuse of discretion. *State v. Murray*, 184 Ariz. 9, 35, 906 P.2d 542, 568 (1995). We will reverse the trial court's decision only if it is "palpably improper and clearly injurious." *Id.* (citation omitted). This is because the trial judge is in the best position to determine whether a

[2] The testimony actually took place on the sixteenth day of trial and the eleventh day of testimony, twenty-nine calendar days after the trial started. Deliberations began nineteen calendar days later.

particular incident calls for a mistrial. The trial judge is aware of the atmosphere of the trial, the circumstances surrounding the incident, the manner in which any objectionable statement was made and its possible effect on the jury and the trial. *See State v. Koch*, 138 Ariz. 99, 101, 673 P.2d 297, 299 (1983).

¶34 The trial court did not abuse its discretion when it denied the motion for mistrial. First, anyone who heard the questions at issue would not necessarily interpret them to imply that Enriquez's counsel was paid for by a drug cartel - no more so than Enriquez's question regarding how "several lawyers" assisted the co-defendant almost immediately after his arrest implied the co-defendant's counsel was paid for by a drug cartel. While such an interpretation would not be unreasonable, it would be just as reasonable to interpret the questions as the State intended. Second, the State asked the questions on the eleventh day of testimony after sixteen days of trial, twenty-nine calendar days after the trial started with nineteen calendar days to go before deliberations. To ask those questions at that point in a trial of that length, particularly where objections to those questions were sustained, did not rise to such a level that they denied Enriquez of a fair trial. Finally, the trial court instructed the jury that it was improper for the State to suggest in the questions to the co-

defendant that a drug cartel was paying for Enriquez's legal defense; there was no evidence to support the insinuation; any issue regarding counsel, the right to counsel, or the ability to pay for counsel was not a matter for the jury and was irrelevant to their consideration of whether the State had proven its case beyond a reasonable doubt; and that the court sustained the objections to the questions and the jury must, therefore, disregard the questions and answers. "Juries are presumed to follow their instructions." *State v. Dunlap*, 187 Ariz. 441, 461, 930 P.2d 518, 538 (App. 1996).

V. Conclusion

¶35 Because we find no error, we affirm Enriquez's convictions and sentences.

/s/
JON W. THOMPSON, Presiding Judge

CONCURRING:

/s/
MAURICE PORTLEY, Judge

/s/
JOHN C. GEMMILL, Judge