

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



DIVISION ONE
FILED: 05/15/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 10-0936
)
Appellee,) DEPARTMENT D
)
v.) **MEMORANDUM DECISION**
) (Not for Publication-
) Rule 111, Rules of the
REBEKAH JEAN MAPLES,) Arizona Supreme Court)
)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2010-116272-001 DT

Carolyn K. Passamonte, Commissioner

AFFIRMED AS MODIFIED

Thomas C. Horne, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals and Capital Litigation Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Terry J. Adams, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 This case comes to us as 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 Rebekah Jean Maples (defendant) has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and she has not done so.

¶2 Defendant and an accomplice used a fake prescription in order to obtain 120 Oxycodone pills at a Walgreens drive-through pharmacy in Phoenix. When defendant came back to pick up the pills, the police blocked defendant's car in the drive-through. Police took defendant to a patrol car and gave her Miranda warnings.

¶3 Defendant admitted that one of her friends provided her with fake prescriptions to get filled at Walgreens and that she would get paid for bringing back the drugs. Defendant's accomplice loaned her the money to buy the pills and the accomplice would receive some pills as payment. Defendant's friend would then sell the pills on the streets. For this particular transaction, defendant would have received fifty dollars.

¶4 Police found two empty bags in defendant's car that suggested that she had recently committed the same crime.

Defendant admitted to having recently used forged prescriptions to obtain drugs at other pharmacies in the metro-Phoenix area.

¶5 Defendant was charged with one count of attempted acquisition or administration of narcotic drugs, a class 4 felony. The state filed allegations that defendant had two prior felony convictions, and that the present offense was committed while defendant was on probation. After a jury trial, defendant was found guilty as charged. The state agreed to dismiss the allegation that defendant was on probation, and the trial court dismissed the allegation. Defendant stipulated to an eight-year term in prison. The trial court found that defendant had two prior felony convictions, and sentenced her to the minimum term of eight years in prison.¹ Defendant received thirty-eight days of presentence incarceration credit.

¶6 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

¹ Although the trial court's November 23, 2010 minute entry states that defendant received a "mitigated" sentence for a non-dangerous, "non-repetitive" offense, she actually received the "minimum" sentence for a class 4 felony and non-dangerous repetitive offense with two prior felony convictions. See A.R.S. § 13-703(J) (2010). At the sentencing hearing, the trial court correctly stated that defendant's conviction was "a repetitive offense based upon Defendant's testimony at trial in which she admitted to having the two prior felony convictions for which she is on probation currently." Accordingly, we order that the minute entry be corrected to reflect that defendant was sentenced to the minimum sentence, not mitigated sentence, of eight years in prison for a category three repetitive offender.

proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end.

¶7 We affirm the conviction and sentence.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

PETER B. SWANN, Presiding Judge

/s/

MICHAEL J. BROWN, Judge