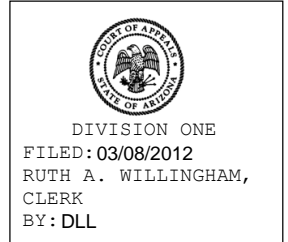


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



STATE OF ARIZONA,) 1 CA-CR 11-0076
)
Appellee,) DEPARTMENT D
)
)
v.) **MEMORANDUM DECISION**
) (Not for Publication-
) Rule 111, Rules of the
RAMIRO ULISES SOTO-VALDEZ,) Arizona Supreme Court)
)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2009-163164-003 DT

The Honorable Colleen L. French, Commissioner

AFFIRMED

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

Gaffney Law Offices Scottsdale
By Robert Gaffney
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 Ramiro Ulises Soto-Valdez (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 he has not done so.

¶2 While victim was leaving a central Phoenix business with his wife, he was pushed at gunpoint by one of defendant's accomplice into the green Lincoln Town car defendant was driving. Defendant had followed victim's car to the business parking lot where victim was then kidnapped. A few blocks away from the scene, victim was moved into a white truck with additional kidnappers.

¶3 Patrol officers responded to the call from wife. Defendant saw police in front of him at an intersection, turned into a parking lot, and bailed out of his vehicle. Police took defendant and his accomplices into custody. Police found two handguns and a rifle in the car. Victim's wife identified defendant and the two accomplices as the ones who committed the kidnapping.

¶4 Meanwhile, victim was held in a room in a house in West Phoenix, blindfolded, with his arms and wrists tied behind his back and his ankles tied together. His captors attempted to

strangle him with a rope and placed a plastic bag on his head. Victim was beaten and verbally abused in order to obtain victim's family's cell phone numbers, while being told that his family was being held hostage. The kidnappers also put an empty gun to victim's temple and pulled the trigger. Victim's brother-in-law received calls asking for a ransom of \$40,000 and an "open" title for victim's vehicle in exchange for victim's safe release.

¶5 When asked by a police officer if he was involved in the kidnapping, defendant nodded his head as if he acknowledged it. He also admitted that he was the driver of the green Lincoln Town car and that he had been in possession of a handgun. Following the instructions given to victim's brother-in-law, police went to the drop location and took some of the additional accomplices into custody. An accomplice led police to the house where victim was detained. Police found guns, ropes, zip ties, plastic bags, and ammunition in the house.

¶6 Defendant was charged with one count of kidnapping, a class 2 dangerous felony, one count of conspiracy to commit kidnapping, a class 2 dangerous felony, one count of theft by extortion, a class 2 dangerous felony, one count of aggravated assault, a class 3 dangerous felony, one count of aggravated assault, a class 6 dangerous felony, and one count of misconduct involving weapons, a class 4 dangerous felony. The trial court

granted a directed verdict of acquittal as to the two counts of aggravated assaults and dismissed the count of misconduct involving weapons. After a jury trial, defendant was convicted on the kidnapping, conspiracy to commit kidnapping and theft by extortion charges. The trial court sentenced defendant to an aggravated term of twenty years in prison for the kidnapping, a presumptive term of ten and one-half years in prison for the conspiracy to commit kidnapping and a presumptive term of ten and one-half years in prison for the theft by extortion conviction, to be served concurrently. Defendant received 478 days of presentence incarceration credit.

¶7 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, and the sentences imposed were 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.

¶8 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Presiding Judge

CONCURRING:

/s/

MAURICE PORTLEY, Judge

/s/

JOHN C. GEMMILL, Judge