

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

FILED BY CLERK

SEP 14 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2012-0035
	)	DEPARTMENT B
	)	
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
SHANNON MORIA SMITH,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20103822001

Honorable Richard S. Fields, Judge

AFFIRMED

\_\_\_\_\_  
Lori J. Lefferts, Pima County Public Defender  
By Lisa M. Hise

\_\_\_\_\_  
Tucson  
Attorneys for Appellant

\_\_\_\_\_  
V Á S Q U E Z, Presiding Judge.

¶1 Appellant Shannon Smith was charged with one count of first-degree burglary, two counts of armed robbery, two counts of aggravated assault with a deadly weapon or dangerous instrument, and two counts of aggravated robbery committed with the aid of one or more accomplices. At the close of evidence at a trial held in Smith's absence, the trial court granted Smith's motion for a judgment of acquittal on one of the

aggravated assault charges; the jury found Smith guilty of the remaining charges and found the first four counts were dangerous offenses.<sup>1</sup> The trial court sentenced her to concurrent, mitigated prison terms, the longest of which was seven years. Appointed counsel has filed an appellate brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has searched the entire record and has not been able to find any “arguably meritorious” issue to raise on appeal. She asks us “to search the record for error . . . .” Smith has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, *State v. Cropper*, 205 Ariz. 181, ¶ 2, 68 P.3d 407, 408 (2003), the evidence established Smith, accompanied by three men, had entered the home of M. and B., whom she knew, demanded M.’s medication, took M.’s purse from her, and left the apartment. As Smith ran to the door to leave, B. tried to get M.’s purse, but one of the men with Smith opened his shirt, displaying a knife, and told B. not to step any closer. When a Tucson police officer apprehended Smith and her accomplices as they rode in a van, he saw M.’s pill bottles, bank cards, and social security cards near where Smith was sitting and a knife “tucked in the center console.” The evidence amply supported the jury’s verdicts. And,

---

<sup>1</sup>The minute entry is inconsistent with the jury verdicts and the sentencing transcript because it characterizes the burglary, armed robbery, and aggravated assault counts as non-dangerous offenses. But we see no reversible error here that needs correcting pursuant to *Anders* and its progeny because the sentences imposed are consistent with the jury’s verdicts, the oral pronouncement of sentence, and the court’s clear intent. *See State v. Lopez*, 230 Ariz. 15, n.2, 279 P.3d 640, 643 n.2 (App. 2012).

having searched the record as requested, we have found no reversible error during trial or any basis for disturbing the prison terms the trial court imposed.

¶3 The convictions and sentences imposed are affirmed.

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge