

**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**  
**JAN -7 2010**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Appellee,	)	2 CA-CR 2009-0157
	)	DEPARTMENT B
	)	
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
PHILLIP JOHN CORTEZ,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	
	)	

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APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20083649

Honorable Michael J. Cruikshank, Judge

AFFIRMED

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Isabel G. Garcia, Pima County Legal Defender  
By Stephan J. McCaffery

Tucson  
Attorneys for Appellant

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B R A M M E R, Judge.

¶1 A jury found Phillip Cortez guilty of robbery, kidnapping, aggravated assault with a deadly weapon, and fleeing from a law enforcement vehicle. It also found all but the

last offense dangerous in nature. Cortez waived his right to a jury trial on an additional charge of possessing a deadly weapon as a prohibited possessor. After a bench trial, the trial court found him guilty of that offense and found he had three historical prior felony convictions. The court sentenced Cortez to concurrent, enhanced, presumptive terms of imprisonment on all counts, the longest of which were 15.75-year terms. Cortez appealed, and counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has “reviewed the entire record and was unable to find any meritorious issue to raise on appeal.” He asks this court to review the case for error. Cortez has not filed a supplemental brief.

¶2 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, and we have found no error warranting reversal. Viewed in the light most favorable to upholding the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in September 2008, Cortez confronted the victim with a gun at a self-service car wash. He forced the victim into a car and made the victim give him money. He drove with the victim to a convenience store and then released him nearby. Cortez was apprehended later the same night after police pursued him as he fled first in his car and then on foot.

¶3 Substantial evidence supports Cortez’s convictions. And the trial court took judicial notice of its files in CR-20053940 and CR-20061329 and determined Cortez had been convicted in those cases of burglary, solicitation to unlawful possession of a narcotic

drug and possession of drug paraphernalia. The sentences were enhanced properly and were well within the statutory ranges authorized for the offenses. We affirm Cortez's convictions and sentences.

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J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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GARYE L. VÁSQUEZ, Judge