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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: 1/31/2013  
RUTH A. WILLINGHAM,  
CLERK  
BY: mjt

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 11-0733  
) 1 CA-CR 11-0734  
Appellee, ) (Consolidated)  
)  
v. ) DEPARTMENT C  
)  
GEORGIA LYNN BAKER, ) **MEMORANDUM DECISION**  
) (Not for Publication -  
Appellant. ) Rule 111, Rules of the  
) Arizona Supreme Court)  
)  
)  
)  
\_\_\_\_\_ )

Appeal from the Superior Court in Maricopa County  
Cause Nos. CR2009-178553-001 and CR2004-041351-001

The Honorable Susanna C. Pineda, Judge

**AFFIRMED**

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Thomas C. Horne, Arizona Attorney General Phoenix  
by Kent E. Cattani, Chief Counsel,  
Criminal Appeals/Capital Litigation Division  
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix  
by Cory Engle, Deputy Public Defender  
Attorneys for Appellant

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S W A N N, Judge

¶1 Defendant Georgia Baker appeals from her convictions of First Degree Murder (Count 1), Unlawful Flight from Law Enforcement Vehicle (Count 2), and Theft of Means of Transportation (Count 3). 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). Defendant's appellate counsel has searched the record on appeal, found no arguable nonfrivolous question of law, and asks us to review the record for fundamental error. See *Anders*, 386 U.S. 738; *Smith v. Robbins*, 528 U.S. 259 (2000); *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999). Defendant was given the opportunity to file a supplemental brief *in propria persona* but did not do so.

¶2 We have searched the record for fundamental error and find none. Accordingly, we affirm.

#### FACTS AND PROCEDURAL HISTORY

¶3 In December 2009, Defendant was indicted on Counts 1-3. At trial, the state presented evidence of the following facts. The vehicle that Defendant was driving on December 17, 2009, and the license plate found on that vehicle were stolen in October 2009. On the evening of December 17, 2009, Defendant was driving in a silver sports utility vehicle ("SUV") on the State Route 101 Freeway ("101") heading west. Officer L.L. was driving on the 101 heading west at the same time as Defendant. Officer L.L. completed a routine random license plate check on

Defendant's license plate. Just as Officer L.L. was driving underneath 64th Street, he received word that Defendant's SUV had a stolen license plate, prompting Officer L.L. to decide to perform a traffic stop. Because he decided that he was going to pull Defendant over on 56th Street, Officer L.L. stayed behind Defendant and initially did not put on his emergency lights. As Defendant began exiting at 56th Street, Officer L.L. moved directly behind Defendant and turned on his emergency lights. Defendant then ran a red light at the intersection of the 101 and 56th Street and proceeded to drive back onto the 101.

¶14 Once Defendant reentered the 101, Officer L.L. testified, she was driving in excess of 90 miles per hour and was driving recklessly, including driving in an erratic manner, making aggressive lane changes, and causing vehicles to swerve out of the way to avoid hitting her. Officer L.L. then attempted to force Defendant into the retaining wall to get her to stop; instead, Defendant collided with Officer L.L.'s vehicle and kept driving. In an attempt to lose Officer L.L., Defendant made a very wide turn, went into the right shoulder of the 101, and then made an aggressive exit off of the freeway at Cave Creek Road. Officer L.L. switched lanes to follow Defendant and upon switching lanes, Officer L.L. hit Officer C.M., who was attempting to set out spike sticks to stop Defendant. When Officer L.L. hit Officer C.M., Officer L.L.'s windshield

shattered, and Officer L.L. called out on his radio that he had just hit an officer. Officer L.L. attempted to help Officer C.M., and his pursuit of Defendant ended. Officer C.M. was pronounced dead shortly after.

¶15 Defendant reentered the 101 at Cave Creek Road and exited the 101 at 7th Avenue; she did not have her lights on when she exited the off ramp. A witness at the scene heard Defendant's SUV approaching her condominium complex "at a high rate of speed, and [she] heard kind of a sound of a blown out tire[.]" Defendant stopped the SUV in a field around the condominium complex, then drove the SUV around to the pool area and parked. Defendant called a friend and stated "do you hear the helicopters . . . . I think I'm in trouble." The police then arrived looking for Defendant. With the help of his dog, Officer V.B. located Defendant on a patio in the condominium complex sitting in the dark. Defendant did not follow police commands once they located her at the scene. Defendant was then taken into custody.

¶16 After considering the evidence, the jury found Defendant guilty of Counts 1-3. Based on the jury's verdicts, the attorneys stipulated to an aggravating factor for the emotional impact to the victim's family. Additionally, the

court found that Defendant had violated her probation.<sup>1</sup> Defendant's probation was revoked, and she received a 2.5 year prison term.

¶7 We have jurisdiction under A.R.S. §§ 12-120.21(A)(1), 13-4031, and 13-4033(A)(1).

#### *DISCUSSION*

¶8 The record reveals no fundamental error. Defendant was represented by counsel at all critical proceedings. The record of voir dire does not demonstrate the empanelment of any biased jurors, and the jury was properly composed of twelve jurors and two alternates. See Ariz. R. Crim. P. 18.1(a); A.R.S. § 21-102(A).

¶9 The evidence that the state presented at trial was properly admissible. The state presented evidence that Defendant was in possession of a stolen SUV that had a stolen license plate. Officer L.L.'s high-speed pursuit of Defendant, necessitated by her reckless conduct, caused the death of Officer C.M. Further, the state presented evidence that the SUV and Defendant were both found at a condominium complex near the 101 and 7th Avenue. The state's evidence was therefore sufficient to allow the jury to find Defendant guilty of Counts 1-3. A.R.S. §§ 13-1105(A)(2), 13-1814, 28-622.01.

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<sup>1</sup> Defendant was placed on probation on July 6, 2007, for burglary in the third degree.

¶10 After the jury returned its verdict, the court, in its discretion, imposed a legal sentence of natural life in prison for Count 1. For Count 2, the court found that the sentence was intertwined with Count 1; however, Defendant received an additional aggravated term of 6 years. For Count 3, Defendant received a presumptive sentence of 11.25 years. She also received a 2.5 year term because she violated her probation. The court correctly calculated Defendant's presentence incarceration.

*CONCLUSION*

¶11 We have reviewed the record for fundamental error and find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We therefore affirm.

¶12 Defense counsel's obligations pertaining to this appeal have come to an end. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Unless, upon review, counsel discovers an issue appropriate for petition for review to the Arizona Supreme Court, counsel must only inform Defendant of the status of this appeal and her future options. *Id.* Defendant has 30 days from the date of this decision to file a petition for review *in propria persona*. Ariz. R. Crim. P. 31.19(a). Upon the court's own motion, she has 30 days from the date of this decision in which to file a motion for reconsideration.

/s/

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PETER B. SWANN, Judge

CONCURRING:

/s/

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PHILIP HALL, Presiding Judge

/s/

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SAMUEL A. THUMMA, Judge