

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: 1/10/2013
RUTH A. WILLINGHAM,
CLERK
BY: mjt

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,)
) No. 1 CA-CR 12-0071
)
 Appellee,) DEPARTMENT C
)
 v.) MEMORANDUM DECISION
)
 CHAD EVERETT BRAXTON,) (Not for Publication -
) Rule 111, Rules of the
 Appellant.) Arizona Supreme Court)
)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2010-006318-001

The Honorable Karen L. O'Connor, Judge

AFFIRMED

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

Bruce Peterson, Maricopa County Legal Advocate Phoenix
by Kerri Chamberlin, Deputy Legal Advocate
Attorneys for Appellant

H A L L, Judge

¶1 Chad Everett Braxton (defendant) appeals from his conviction and the sentence imposed. For the reasons set forth below, we affirm.

¶2 Defendant's appellate counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising that, after a diligent search of the record, she was unable to find any arguable grounds for reversal. This court granted defendant an opportunity to file a supplemental brief, which he has not done. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999).

¶3 We review for fundamental error, error that goes to the foundation of a case or takes from the defendant a right essential to his defense. See *State v. King*, 158 Ariz. 419, 424, 763 P.2d 239, 244 (1988). We view the evidence presented at trial in a light most favorable to sustaining the verdict. *State v. Cropper*, 205 Ariz. 181, 182, ¶ 2, 68 P.3d 407, 408 (2003).

¶4 On July 20, 2010, defendant was charged by indictment with one count of trafficking in stolen property in the second degree, a class three felony. The State also alleged that defendant had one historical prior felony conviction.

¶5 The following evidence was presented at trial. On January 15, 2010, A.B., the victim, was working as a pizza

deliverer at Pizza Hut. After making a delivery, A.B. returned to the restaurant to pick-up another delivery, leaving her keys in the vehicle. On her way out of the restaurant, a coworker ran in and informed her that two people drove off in her Dodge Caravan. A.B. then reported the vehicle stolen with the police.

¶16 The vehicle was later recovered during an undercover operation conducted by Detectives Michael Lindsey and Adam Applegate of the Phoenix Police Department. While undercover, Detective Applegate received a call, at approximately 3:45 p.m. on January 15, 2010, from a person wanting to sell a stolen Dodge Caravan. A meeting was set up in the area of 36th Street and Indian School Road at around dusk. The detectives arrived early, set up a surveillance camera, and waited for the subjects to arrive at the designated location. Detective Applegate testified that two men arrived in the stolen van, one of which he identified as defendant. Everyone exited their respective vehicles, greetings were exchanged, and an inspection of the vehicle took place. The negotiated price of the vehicle was \$300.00. The detectives paid defendant the \$300.00, shook hands, and left with the stolen vehicle.

¶17 Detective Kathleen Aboussafy prepared a photo line-up from the police database by putting information known about the subjects. Detectives Lindsey and Applegate were shown the line-up. Detective Applegate "positively" identified defendant in

the line-up. The parties further stipulated that Detective Lindsey recognized defendant from a non-criminal transaction that happened a month prior to this incident.

¶18 After a three-day trial, the jury found defendant guilty as charged. The trial court found that defendant had one prior historical felony conviction. The trial court sentenced defendant to a mitigated sentence of five years in prison with 273 days of presentence incarceration credit.

¶19 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. Defendant was given an opportunity to speak before sentencing, and the sentence imposed was within statutory limits. Furthermore, based on our review of the record, there was sufficient evidence for the jury to find that defendant committed the offense for which he was convicted.

¶10 After the filing of this decision, counsel's obligations pertaining to defendant's representation in this appeal have ended. Counsel need do no more than inform defendant of the status of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-

57 (1984). Defendant has thirty days from the date of this decision to proceed, if he desires, with a pro per motion for reconsideration or petition for review. Accordingly, defendant's conviction and sentence are affirmed.

_/s/ PHILIP HALL, Presiding Judge

CONCURRING:

_/s/ PETER B. SWANN, Judge

_/s/ SAMUEL A. THUMMA, Judge