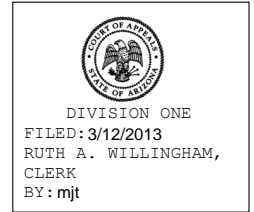


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0175
)
Appellee,) DEPARTMENT E
)
) **MEMORANDUM DECISION**
v.) (Not for Publication-
) Rule 111, Rules of the
CEDRIC CARL COLBERT,) Arizona Supreme Court)
)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2010-005625-001 DT

The Honorable Samuel A. Thumma, Judge

AFFIRMED

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

James J. Haas, Maricopa County Public Defender Phoenix
By Nicole T. Farnum, Deputy Public Defender
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 Cedric Carl Colbert (defendant) has advised us that, after searching the entire record, she 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 This crime arose from a conflict between an escort (Pauline) and her former manager (victim). Pauline enlisted the help of defendant and two other men to assault victim and rob him. Pauline accompanied victim to his home where defendant and the two other men displayed firearms and forced entry. Defendant held victim at gunpoint. When victim attempted to escape, defendant intercepted victim, kicked him, and struck him repeatedly with a firearm. The intruders took \$2250 before victim successfully escaped. Defendant was arrested after Pauline identified him as a participant in the home invasion.

¶3 Defendant was charged with five counts: one count each of first degree burglary, a class 2 dangerous felony; armed robbery, a class 2 dangerous felony; aggravated assault, a class 3 dangerous felony; kidnapping, a class 2 dangerous felony; and misconduct involving weapons, a class 4 felony. At trial defendant testified that he did not participate, asserting that he waited outside after having a change of heart. However,

defendant admitted post-arrest to acting as a lookout and both victim and Pauline identified defendant as an active participant.

¶4 Defendant was convicted on all counts after a jury trial. The jury further found four aggravating circumstances in each of the four felonies: the infliction or threatened infliction of serious physical injury; the presence of an accomplice; the expectation or receipt of pecuniary gain in consideration for the offense; and physical, emotional or financial harm to the victim. Based on defendant's conviction, the judge found an automatic probation violation because defendant was a prohibited possessor. Defendant was sentenced to concurrent aggravated terms of 14 years on counts one, two, and four; a concurrent aggravated term of 10 years on count three; and a concurrent presumptive term of 2.5 years on count five. The judge ordered that these concurrent sentences be served consecutive to a presumptive term of 1 year for the probation violation, and that defendant pay victim \$2250 in restitution. Defendant appealed.

¶5 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. So far as the record reveals, defendant

was adequately represented by counsel at all stages of the proceedings, and the sentence imposed was 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. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶6 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

PATRICIA K. NORRIS, Presiding Judge

/s/

DIANE M. JOHNSEN, Judge