

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



DIVISION ONE
FILED: 7/23/2013
RUTH A. WILLINGHAM,
CLERK
BY: mjt

**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**

STATE OF ARIZONA,) 1 CA-CR 12-0345
)
Appellee,) DEPARTMENT B
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
GILBERT RAY AYONAYON,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2011-123043-001

The Honorable Robert E. Miles, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Joseph T. Maziarz, Section Chief Counsel
Criminal Appeals
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Paul J. Prato, Deputy Public Defender
Attorneys for Appellant

H O W E, Judge

¶1 This appeal is filed in accordance with *Anders v. California*, 386 U.S. 738 (1967) and *State v. Leon*, 104 Ariz.

297, 451 P.2d 878 (1969). Counsel for Gilbert Ray Ayonayon, asks this Court to search the record for fundamental error. Ayonayon was given an opportunity to file a supplemental brief in propria persona. Ayonayon has not done so. After reviewing the record, we affirm Ayonayon's convictions and sentences for aggravated assault, a dangerous offense, and unlawful flight from a law enforcement vehicle.

FACTS AND PROCEDURAL HISTORY

¶2 We view the facts in the light most favorable to sustaining the trial court's judgment and resolve all reasonable inferences against Ayonayon. *State v. Fontes*, 195 Ariz. 229, 230, ¶ 2, 986 P.2d 897, 898 (App. 1998).

¶3 On May 7, 2011, Phoenix Police Officers attempted to pull over a vehicle after the driver drove through a red light. The driver initially indicated that he was preparing to stop, but he instead sped up and turned onto another road, crossing into oncoming lanes of traffic and then swerving back into the right-hand lane. The driver attempted to turn into an apartment complex, but because of his speed, he crashed the vehicle into the sign in front of the complex. The officers pulled up behind the vehicle and approached the back of the vehicle on foot. The driver put the vehicle in reverse and backed up towards the officers, who quickly moved out of the way. The driver then put the vehicle into drive, made a U-turn on the road, and made an

immediate turn onto another street. The driver again crashed the vehicle, coming to a stop in the bushes along the curb. The officers observed both the driver and the rear passenger exit the vehicle and flee the scene. Later than night, the officers located one of the individuals, Ayonayon, and they identified him as the driver.

¶4 The State charged Ayonayon with aggravated assault, a class 2 dangerous felony; unlawful flight from a law enforcement vehicle, a class 5 felony; and misconduct involving weapons, a class 4 felony. At the close of the evidence, the trial court properly instructed the jury on the elements of the offense. Ayonayon was convicted of aggravated assault, a class 2 dangerous felony, and unlawful flight from a law enforcement vehicle, a class 5 felony.

¶5 The trial court conducted the sentencing hearing in compliance with Ayonayon's constitutional rights and Rule 26 of the Arizona Rules of Criminal Procedure. The trial court sentenced Ayonayon to concurrent terms of 15.75 years' imprisonment for the aggravated assault conviction and 5 years' imprisonment for the unlawful flight from a law enforcement vehicle conviction. The court gave him credit for 358 days of presentence incarceration.

DISCUSSION

¶6 We review Ayonayon's convictions and sentences for fundamental error. See *State v. Gendron*, 168 Ariz. 153, 155, 812 P.2d 626, 628 (1991).

¶7 Counsel for Ayonayon has advised this Court that after a diligent search of the entire record, he has found no arguable question of law. We have read and considered counsel's brief and fully reviewed the 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, Ayonayon was represented by counsel at all stages of the proceedings and the sentence imposed was within the statutory limits. We decline to order briefing and we affirm Ayonayon's convictions and sentences.

¶8 Upon the filing of this decision, defense counsel shall inform Ayonayon of the status of his appeal and of his future options. Defense counsel has no further obligations unless, upon review, counsel finds 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). Ayonayon shall have thirty days from the date of this decision to proceed, if he desires, with a pro per motion for reconsideration or petition for review. On the Court's own

motion, we extend the time for Ayonayon to file a pro per motion for reconsideration to thirty days from the date of this decision.

CONCLUSION

¶9 We affirm.

_____/s/_____
RANDALL M. HOWE, Judge

CONCURRING:

_____/s/_____
PATRICIA K. NORRIS, Presiding Judge

_____/s/_____
ANDREW W. GOULD, Judge