

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: 7/9/2013
RUTH A. WILLINGHAM,
CLERK
BY: mjt

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0417
)
Appellee,) DEPARTMENT A
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
ROBERT TREG BAUM,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2010-006459-001

The Honorable Brian Kaiser, Judge *Pro Tempore*

AFFIRMED

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

James Haas, Maricopa County Public Defender Phoenix
By Terry Reid, Deputy Public Defender
Attorneys for Appellant

C A T T A N I, Judge

¶1 Robert Treg Baum appeals his conviction of one count of unlawful flight from a law enforcement vehicle, a Class 5 felony, and the resulting sentence. Baum's 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), certifying that, after a diligent search of the record, he found no arguable question of law that was not frivolous. Baum was given the opportunity to file a supplemental brief, but did not do so. Counsel asks this court to search the record for reversible error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). After reviewing the entire record, we affirm Baum's conviction and sentence.

FACTS AND PROCEDURAL BACKGROUND¹

¶2 Early one morning in May 2010, Baum drove his motorcycle at a high rate of speed in the same direction as an Arizona Department of Public Safety officer driving a marked car. When Baum's motorcycle was parallel to the officer's car, Baum slammed on his brakes and slowed to the officer's speed. The officer pulled directly behind Baum to run a vehicle registration check. As the officer turned on his patrol lights

¹ We view the facts in the light most favorable to sustaining the jury's verdict and resolve all reasonable inferences against Baum. *State v. Fontes*, 195 Ariz. 229, 230, ¶ 2, 986 P.2d 897, 898 (App. 1998).

to initiate a traffic stop for an unreadable license plate, Baum sped off. The officer called dispatch for assistance.

¶13 After Baum passed a second officer's location, the second officer, driving a marked patrol car with lights and siren engaged, pursued Baum and reached a maximum speed of 131 miles per hour. Before Baum reached a third officer's position, the third officer had pulled out in his marked police car with flashing lights and an activated siren. As Baum passed, Baum looked back over his shoulder toward the officer, who clocked Baum's speed at 130 miles per hour. During the pursuit, a speed enforcement camera photographed Baum looking in his left side mirror back at traffic. The pursuit ended after Baum made a quick lane change, exited the highway, and crashed his motorcycle.

¶14 A grand jury returned an indictment charging Baum with one count of unlawful flight from a law enforcement vehicle, a Class 5 felony, along with three drug related charges. During his three-day trial, Baum admitted that he was speeding, but testified that he experienced tunnel vision due to his high rate of speed and did not see or hear police vehicles, flashing lights, or sirens. The jury found him guilty of unlawful flight from a law enforcement vehicle, but not guilty of the other three charges. The superior court suspended sentence and imposed two years' probation.

¶15 Baum timely appealed. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1), 13-4031, and -4033.²

DISCUSSION

¶16 We have considered counsel's brief and reviewed the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none.

¶17 Baum was present and represented by counsel at all stages of the proceedings against him. The record reflects that the superior court afforded Baum all his rights under the constitution and our statutes, and that the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The court conducted appropriate pretrial hearings, and the evidence presented at trial and summarized above was sufficient to support the jury's guilty verdict. Baum's sentence falls within the range prescribed by law.

CONCLUSION

¶18 We affirm Baum's conviction and sentence. After the filing of this decision, defense counsel's obligations pertaining to Baum's representation in this appeal will end after informing Baum of the outcome of this appeal and his

² Absent material revisions after the relevant date, we cite a statute's current version.

future options. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Baum shall have 30 days from the date of this decision to proceed, if he desires, with a *pro se* motion for reconsideration or petition for review.

/S/

KENT E. CATTANI, Judge

CONCURRING:

/S/

JON W. THOMPSON, Presiding Judge

/S/

LARRY F. WINTHROP, Judge