

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

KENNETH MAURICE WINFIELD, *Appellant*.

No. 1 CA-CR 14-0646
FILED 11-24-2015

Appeal from the Superior Court in Maricopa County
No. CR2013-102201-002
The Honorable Margaret R. Mahoney, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

Law Office of Patricia Hubbard, Phoenix
By Patricia A. Hubbard
Counsel for Appellant

MEMORANDUM DECISION

Judge Kent E. Cattani delivered the decision of the Court, in which
Presiding Judge Patricia K. Norris and Judge Patricia A. Orozco joined.

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C A T T A N I, Judge:

¶1 Kenneth Maurice Winfield appeals his convictions of conspiracy to commit armed robbery, armed robbery, and kidnapping, all class 2 felonies, and the resulting sentences. Winfield'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, she found no arguable question of law that was not frivolous. Winfield 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 record, we affirm Winfield's convictions and sentences.

FACTS AND PROCEDURAL BACKGROUND

¶2 This case involved a grocery store robbery. At least four people, including the security guard at the store, participated in the robbery.

¶3 Late at night on January 8, 2013, three people dressed in black hoodies and wearing black masks burst into the store, with two of them carrying guns. One of the assailants approached the security guard, while another dragged the assistant manager to the manager's office. The third person stood watch outside the manager's office as the assistant manager was forced to open the safe. After putting cash from the safe into a black backpack, the assailants fled. The robbery was filmed by the store's security cameras.

¶4 An investigative lead provided information that led to Winfield's arrest. After being informed of his *Miranda*¹ rights, Winfield acknowledged participating in the robbery, and he identified himself as the person who wore a black beanie with eyeholes cut into it who dragged the assistant manager to the safe, took the money, and carried the backpack.

¶5 Winfield was charged with conspiracy to commit armed robbery, armed robbery, and kidnapping, and following a jury trial, he was convicted of all three offenses. The jury further found one aggravating factor related to the conspiracy count, multiple aggravating factors related to both the armed robbery and kidnapping counts, and that armed robbery and kidnapping were dangerous offenses.

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

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¶6 At sentencing, the court considered those factors, along with several mitigating factors identified by defense counsel. The court sentenced Winfield to a presumptive term of five years' imprisonment for conspiracy to commit armed robbery and mitigated terms of eight years each for armed robbery and kidnapping, with all of the sentences to be served concurrently. The court also gave Winfield credit for 595 days of presentence incarceration.

DISCUSSION

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

¶8 Winfield was present and represented by counsel at all stages of the proceedings against him. The record reflects that the superior court afforded Winfield all of his constitutional and statutory rights, 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 verdicts. Winfield's sentences fall within the range prescribed by law, with proper credit given for presentence incarceration.

¶9 With the filing of this decision, defense counsel's obligations pertaining to Winfield's representation in this appeal will end after informing Winfield of the outcome of this 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). Winfield 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.

CONCLUSION

¶10 Winfield's convictions and sentences are affirmed.



Ruth A. Willingham - Clerk of the Court
FILED : ama