

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



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FILED: 05-13-2010  
PHILIP G. URRY, CLERK  
BY: GH

STATE OF ARIZONA, ) 1 CA-CR 09-0466  
)  
Appellee, ) DEPARTMENT A  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
LEONARD JOHN PARRA, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)

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Appeal from the Superior Court in Maricopa County

Cause No. CR2008-155106-001 DT

The Honorable F. Pendleton Gaines III, Judge

**AFFIRMED**

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Terry Goddard, Attorney General Phoenix  
By Kent E. Cattani, Chief Counsel,  
Criminal Appeals/Capital Litigation Section  
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix  
By Christopher V. Johns, Deputy Public Defender  
Attorney for Appellant

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**W I N T H R O P**, Judge

¶1 Leonard John Parra ("Appellant") appeals his conviction and sentence for theft of means of transportation. Appellant's counsel filed a brief in accordance with *Smith v.*

*Robbins*, 528 U.S. 259 (2000); *Anders v. California*, 386 U.S. 738 (1967); and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that he has searched the record and found no arguable question of law that is not frivolous. Appellant's counsel therefore requests that we review the record for fundamental error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999) (stating that this court reviews the entire record for reversible error). Although this court granted Appellant the opportunity to file a supplemental brief *in propria persona*, he has not done so.

¶2 We have appellate jurisdiction pursuant to the Arizona Constitution, Article 6, Section 9, and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031 (2010), and 13-4033(A) (2010). Finding no reversible error, we affirm Appellant's conviction and sentence.

#### **FACTS AND PROCEDURAL HISTORY<sup>1</sup>**

¶3 On November 3, 2008, a Maricopa County grand jury issued an indictment, charging Appellant with one count of theft of means of transportation, a class three felony in violation of

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<sup>1</sup> We review the facts of the case in the light most favorable to sustaining the verdict, and we resolve all reasonable inferences against Appellant. See *State v. Kiper*, 181 Ariz. 62, 64, 887 P.2d 592, 594 (App. 1994).

A.R.S. § 13-1814 (2010).<sup>2</sup> The State later alleged that Appellant had three historical prior felony convictions.

¶4 At trial, the State presented testimony and video evidence that indicated the following: On September 2, 2008, Glendale police detectives received a dispatch that a vehicle used in its "bait car" program,<sup>3</sup> a Dodge Ram truck, had been stolen. The detectives responded and pulled over the vehicle. The driver, Appellant, was taken into custody.

¶5 Appellant's theory of the case was that he was only guilty of unlawful use of means of transportation, a class five felony and lesser-included offense of theft of means of transportation. See A.R.S. § 13-1803 (2010). Appellant testified in support of that theory. He admitted taking the vehicle and knowing it did not belong to him. He explained that, on the day of the theft, he had walked to the grocery store with his family, but when he saw the bait vehicle in a nearby parking lot, he decided to take the vehicle and leave his

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<sup>2</sup> We cite the current version of the statutes if no changes material to our analysis have since occurred.

<sup>3</sup> Bait cars are vehicles used by the police department to deter automobile theft. The vehicles are usually placed in areas having high rates of auto theft and then monitored by police. Bait vehicles typically have special equipment designed to aid in the apprehension of anyone taking the vehicle, including a concealed video camera with audio capability positioned to view and record the driver, sensors attached to the doors, a GPS device, and equipment allowing the vehicle to be remotely turned off by a dispatcher.

family at the store. According to Appellant, he drove the vehicle to his apartment, where he planned to leave the vehicle and then return to get his family. Nevertheless, after he arrived home, he decided to return the vehicle because he "had a feeling there was something wrong with this truck." As he drove past a convenience store on the way back, however, the police disabled the vehicle remotely and arrested him. Appellant also admitted having two prior felony convictions.

¶6 The jury convicted Appellant as charged. After finding that he had two prior felony convictions for enhancement purposes, the trial court sentenced Appellant to a mitigated term of 8.5 years' imprisonment in the Arizona Department of Corrections. Additionally, the court credited Appellant for forty-seven days of pre-sentence incarceration. Appellant filed a timely notice of appeal from his conviction and sentence.

#### **ANALYSIS**

¶7 We have reviewed the entire record for reversible error and find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881; *Clark*, 196 Ariz. at 537, ¶ 30, 2 P.3d at 96. The evidence presented at trial was substantial and supports the verdict, and the sentence was within the statutory limits. Appellant was represented by counsel throughout the proceedings, and he was given the opportunity to speak at sentencing. The proceedings

were conducted in compliance with his constitutional and statutory rights and the Arizona Rules of Criminal Procedure.

¶18 After filing of this decision, defense counsel's obligations pertaining to Appellant's representation in this appeal have ended. Counsel need do no more than inform Appellant of the status of the appeal and of his future options, unless counsel's review reveals an issue appropriate for petition for review to the Arizona Supreme Court. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Appellant 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.

#### CONCLUSION

¶19 Appellant's conviction and sentence are affirmed.

\_\_\_\_\_/S/\_\_\_\_\_  
LAWRENCE F. WINTHROP, Judge

CONCURRING:

\_\_\_\_\_/S/\_\_\_\_\_  
MAURICE PORTLEY, Presiding Judge

\_\_\_\_\_/S/\_\_\_\_\_  
MARGARET H. DOWNIE, Judge