

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
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IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 09-0572
)
Appellee,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
ASHLEY DANIELLE FRANCIS,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-151932-001 DT

The Honorable Margaret R. Mahoney, Judge

AFFIRMED

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

Attorneys for Appellee

Bruce F. Peterson, Office of the Legal Advocate Phoenix
By Consuelo M. Ohanesian, Deputy Legal Advocate
Attorneys for Appellant

G E M M I L L, Judge

¶1 Ashley Danielle Francis appeals from her conviction of

one count of armed robbery, a class two felony. Francis's counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that she has searched the record and found no arguable question of law and requesting that this court examine the record for reversible error. See *Smith v. Robbins*, 528 U.S. 259 (2000). Francis was afforded the opportunity to file a supplemental brief *in propria persona* but did not do so. For the following reasons, we affirm the conviction and sentence.

FACTS AND PROCEDURAL HISTORY

¶2 "We view the facts and all reasonable inferences therefrom in the light most favorable to sustaining the convictions." *State v. Powers*, 200 Ariz. 123, 124, ¶ 2, 23 P.3d 668, 669 (App. 2001).

¶3 In the early morning of July 18, 2008, Francis drove her ex-boyfriend, Lonnie McLaughlin, and two other individuals to an apartment complex at 2529 W. Cactus -- their errand was a robbery. Francis backed her car up to a dumpster in the complex's parking lot, effectively blocking the victim's car into its parking space. Francis remained in the driver's seat while Lonnie and another individual walked up to the victim's car. Lonnie pointed a gun at the victim's face through the driver-side window while the other individual grabbed a hold of

the victim's two-year-old son from the passenger side. They demanded money. Once the victim gave them her purse containing her credit cards, ID, social security card, bank card, check card, insurance card, and cash, her son was released. Lonnie and the other individual then walked back to Francis's car, got in, and Francis drove away, crashing through construction barricades.

¶4 After the robbery, the victim drove straight to her mother-in-law's house to call the police. When she was pulling up to a red light at 19th Avenue and Cactus, she recognized Francis's car stopped at the light. The driver-side window was rolled down and the victim could clearly see Francis. Lonnie raised the gun threateningly while Francis made eye contact with the victim, and then turned south at the light and sped away. As the car receded, the victim wrote down its license plate number to give to the police.

¶5 Francis was charged with one count of armed robbery, a class two felony, and the State alleged dangerousness. At trial, the victim testified and identified Francis as the driver of the get-away car, and the State played a video-tape of Francis's interview with the police. Francis was convicted of armed robbery, a dangerous offense, and sentenced to the minimum term of seven years' imprisonment. Francis timely appealed, and we have jurisdiction pursuant to Arizona Revised Statutes

("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031 (2010), and 13-4033(A) (2010).

DISCUSSION

¶16 Having considered defense counsel's brief and examined the record for reversible error, *see Leon*, 104 Ariz. at 300, 451 P.2d at 881, we find none. The sentence imposed falls within the range permitted by law, and the evidence presented supports the conviction. As far as the record reveals, Francis was represented by counsel at all stages of the proceedings, and these proceedings were conducted in compliance with her constitutional and statutory rights and the Arizona Rules of Criminal Procedure.

¶17 Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), counsel's obligations in this appeal have ended. Counsel need do no more than inform Francis of the disposition of the appeal and her future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. Francis has thirty days from the date of this decision in which to proceed, if she desires, with a *pro se* motion for reconsideration or petition for review.

CONCLUSION

¶18 The conviction and sentence are affirmed.

_____/s/_____
JOHN C. GEMMILL, Judge

CONCURRING:

_____/s/_____
SHELDON H. WEISBERG, Presiding Judge

_____/s/_____
PHILIP HALL, Judge