

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: 11-30-2010
RUTH WILLINGHAM,
ACTING CLERK
BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,)
) No. 1 CA-CR 10-0188
)
 Appellee,) DEPARTMENT E
)
 v.) **MEMORANDUM DECISION**
)
 GETTUS LEROY MINTZ,) (Not for Publication -
) Rule 111, Rules of the
 Appellant.) Arizona Supreme Court)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR 2009-005503-001 DT

The Honorable Richard J. Trujillo, Judge

AFFIRMED

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

Bruce Peterson, Legal Advocate Phoenix
by Consuelo O. Ohanesian, Deputy Legal Advocate
Attorneys for Appellant

H A L L, Judge

¶1 Gettus Leroy Mintz appeals from his convictions and the sentences imposed.

¶2 Defendant's appellate 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), advising that, after a diligent search of the record, she was unable to find any arguable grounds for reversal. This court granted defendant an opportunity to file a supplemental brief, which he has not done. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999).

¶3 We review for fundamental error, error that goes to the foundation of a case or takes from the defendant a right essential to his defense. See *State v. King*, 158 Ariz. 419, 424, 763 P.2d 239, 244 (1988). We view the evidence presented in a light most favorable to sustaining the verdict. *State v. Cropper*, 205 Ariz. 181, 182, ¶ 2, 68 P.3d 407, 408 (2003). Finding no reversible error, we affirm.

¶4 On February 19, 2009, defendant was charged by indictment with one count of second degree murder (victim P.T.), a class one felony and a domestic violence offense, in violation of Arizona Revised Statutes (A.R.S.) section 13-1104(A)(1) (2010), and one count of aggravated assault (victim A.W.), a class three dangerous felony and a domestic violence offense, in violation of A.R.S. § 13-1204(A)(1), (2) (Supp. 2010).

¶15 The following evidence was presented at trial. In the late evening of February 9, 2009, Officer R.V. of the Peoria Police Department responded to a 9-1-1 hang-up call. As the officer approached the area of 82nd Avenue and Yucca, residents directed him to a bench in the neighborhood. The officer observed an African-American female (P.T.) sitting on a bench "slumped over covered with blood." When Officer R.V. attempted to speak with the victim, she was "unresponsive, her eyes were rolled back and . . . [s]he was gurgling blood."

¶16 Officer R.V. then followed P.T.'s blood trail to a red car parked a couple of houses away from the bench, which was later determined to be P.T.'s home. The officer observed another African-American woman (A.W.) with blood and lacerations on her face and arms exit the home. The officer later determined that A.W. was P.T.'s mother. A.W. had sustained two injuries to her right shoulder, one to her left scapula, and one to the top of her head. Both victims were treated at the scene and then transported to John C. Lincoln North Hospital.

¶17 Doctor M.F. of the Maricopa County Medical Examiner's Office testified that he observed nine stab wounds to P.T.'s body. The doctor further testified that the cause of death was "complications of the multiple stab wounds."

¶18 A.W. testified that in the evening of February 9, 2009, she heard a knock on the door and then "someone using the

keys to get in the door." Defendant entered the home and A.W. heard P.T. say "Gettus, get what you need." A few moments later, she heard P.T. scream "Mom, Gettus is trying to kill me." A.W. tried to call 9-1-1, but defendant knocked the phone out of her hand and "slam dunked" her on the floor. Defendant then punched A.W.'s head, back and shoulders.

¶9 A.W. testified that defendant ran out of the room holding a butcher knife. A.W. again heard P.T. say "somebody help me. Gettus is trying to kill me." A.W. later testified that when she was trying to get up from the floor, there was a "blade" on the floor.

¶10 After a six-day trial, the jury found defendant guilty as charged. The trial court found that defendant had two prior historical felony convictions and sentenced defendant to an aggravated term of 22 years on the count of second-degree murder and to a presumptive term of 20 years on the count of aggravated assault. The trial court also ordered the sentences to be served consecutively.

¶11 We have read and considered counsel's brief and have searched the entire 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. Defendant was given an opportunity to speak before sentencing, and the sentences imposed were within

statutory limits. Furthermore, based on our review of the record, there was sufficient evidence for the jury to find that defendant committed the offenses for which he was convicted.

¶12 After the filing of this decision, counsel's obligations pertaining to defendant's representation in this appeal have ended. Counsel need do no more than inform defendant of the status of the 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). Defendant 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. Accordingly, defendant's convictions and sentences are affirmed.

_____/s/_____
PHILIP HALL, Presiding Judge

CONCURRING:

_____/s/_____
SHELDON H. WEISBERG, Judge

_____/s/_____
PETER B. SWANN, Judge