

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: 07/21/2011
RUTH A. WILLINGHAM,
CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 10-0444
)
Appellee,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
JOSE ALFREDO LLAMAS-CERVANTES,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-160304-001DT

The Honorable John R. Hannah, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
by Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

Theresa M. Armendarez, P.L.C. Manteo, NC
by Theresa M. Armendarez
Attorneys for Appellant

P O R T L E Y, Judge

¶1 This is an appeal under *Anders v. California*, 386 U.S.
738 (1967) and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878
(1969). Counsel for Defendant Jose Llamas-Cervantes has advised

us that, after searching the entire record, she has been unable to discover any arguable questions of law, and has filed a brief requesting us to conduct an *Anders* review of the record. Defendant was given an opportunity to file a supplemental brief and has not filed one.

FACTS¹

¶2 Defendant's convictions stem from his reaction to several confrontations between his seventeen-year-old son, Noel, and gang members of the Cashion Park Locos ("CPL"). He shot four people but only Junior Grado died.

¶3 Initially, Noel tried to run over Junior with his car. Subsequently, Junior, and others went to Defendant's house on September 22, 2008, to confront Noel, but he was not home.

¶4 Junior and his friends returned to Defendant's house the next day. Noel went outside, and Junior wanted to fight him. Defendant intervened by telling Junior to leave or else "[he] was going to fuck him up." Defendant then grabbed his shotgun and fired a shot into the ground to scare them off.

¶5 The next day, Junior and a large group of his friends again went to Defendant's home. Junior again confronted Noel, and they began to fight. Defendant went inside and grabbed his shotgun. When he came outside, he saw that his son had been

¹ We review the facts in the light most favorable to sustaining the verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

knocked down and was not moving. Defendant then shot Junior in the back and killed him. He then fired into the crowd and struck three other people.

¶6 Defendant was indicted for second-degree murder, a class one dangerous felony; and three counts of aggravated assault, class three dangerous felonies. The jury acquitted Defendant on the murder charge, but found him guilty on all aggravated assault charges. He was subsequently sentenced to 7.5 years in prison on one count of aggravated assault, and five years on each of the other two counts of aggravated assault, all to run concurrently. He also received 603 days of credit for presentence incarceration.

¶7 We have jurisdiction over this appeal pursuant to Article 6, Section 9, of the Arizona Constitution, and Arizona Revised Statutes sections 12-120.21(A)(1) (2003), 13-4031, and -4033(A)(1) (2010).

DISCUSSION

¶8 We have read and considered counsel's brief, and have searched the entire record for reversible error. We find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Defendant was represented by counsel at all stages of the

proceedings, and the sentence imposed was within the statutory limits.

CONCLUSION

¶9 After this decision has been filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel need do no more than inform Defendant of the status of the appeal and Defendant's 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, 585, 684 P.2d 154, 157 (1984). Defendant can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶10 Accordingly, we affirm Defendant's convictions and sentences.

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

LAWRENCE F. WINTHROP, Judge

/s/

PATRICK IRVINE, Judge