

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



DIVISION ONE
FILED: 07/12/2011
RUTH A. WILLINGHAM,
CLERK
BY: DLL

STATE OF ARIZONA,)
) No. 1 CA-CR 10-0589
)
 Appellee,) DEPARTMENT D
)
 v.) **MEMORANDUM DECISION**
)
 GREGORY J. WILLIAMS,) (Not for Publication -
) Rule 111, Rules of the
 Appellant.) Arizona Supreme Court)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-155999-001 SE

The Honorable Robert L. Gottsfield, Judge

AFFIRMED

Thomas C. Horne, Arizona 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 Kathryn L. Petroff, Deputy Public Defender
Attorneys for Appellant

H A L L, Judge

¶1 Gregory J. Williams (defendant) appeals from his convictions and the sentences imposed. For the reasons set forth below, we affirm.

¶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 at trial in a light most favorable to sustaining the verdict. *State v. Cropper*, 205 Ariz. 181, 182, ¶ 2, 68 P.3d 407, 408 (2003).

¶4 Defendant was charged by indictment with: Count I: aggravated assault, a class three dangerous felony (victim G.C.), in violation of Arizona Revised Statutes (A.R.S.) section 13-1204(A)(2) (Supp. 2010); Count II: aggravated assault, a

class three dangerous felony (victim J.M.) in violation of A.R.S. § 13-1204(A)(2); and Count III: false reporting to law enforcement agency, a class one misdemeanor, in violation of A.R.S. § 13-2907.01(A) (2010).

¶15 The following evidence was presented at trial. The morning of September 7, 2008, G.C. and J.M. were driving home from the airport when another vehicle "came flying out" of a parking lot right in front of them. G.C. slammed on the brakes and "hit the horn pretty aggressively." The vehicle stopped, the driver put the car in park, and then the driver "reach[ed] out the window holding a gun gangster style." G.C. and J.M. became frightened. G.C. threw his hands up and started yelling "I'm sorry." J.M. called 9-1-1 and gave the operator a description of the vehicle and the license plate number while G.C. "hightailed it" to a shopping center parking lot to wait for the police. The police later advised them to go home.

¶16 Officer Jeffrey Vogt went to the victims' residence and conducted the initial interview. After speaking with the victims, the officer broadcast a description of the driver and the vehicle, including the license plate number.

¶17 Detective Christopher Watson of the Scottsdale Police Department, while on patrol, responded to the call to locate the vehicle. He observed a vehicle matching the victims' description and followed it until it stopped in an apartment

complex parking lot. When defendant, the driver, exited the vehicle, Detective Watson yelled out "police. Don't move." Defendant immediately ran from the scene, but the passenger remained in the vehicle.

¶18 Shortly thereafter, Officer Vogt took the victims separately to do a one-on-one identification. Neither of the victims identified the passenger as the person pointing the gun.

¶19 Later that day, while maintaining the perimeter of the apartment complex, Officer Luqman Khalid observed a person matching the victims' description. Officer Khalid took defendant into custody.

¶10 Officer Vogt again took the victims separately to do a one-on-one identification and both victims positively identified defendant. Officer Watson was present during the second show-up, and defendant provided a false name as well as a fictitious social security number and birth date.

¶11 On the third day of trial, the State moved to conform the indictment to evidence on Count II, changing the charge from aggravated assault to disorderly conduct. The trial court granted the motion.

¶12 After a four-day trial, the jury found defendant guilty on Count I, aggravated assault, a class three dangerous felony, Count II, disorderly conduct, a class six dangerous felony, and Count III, false reporting to a law enforcement

agency, a class one misdemeanor. The trial court sentenced defendant to the minimum term of 6 years on Count I, the presumptive term of 2.25 years on Count II, and 6 months jail with credit for 6 months on Count III. Counts I and II are to be served concurrently.

¶13 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.

¶14 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, Judge

CONCURRING:

_ / s /
PATRICK IRVINE, Presiding Judge

_ / s /
JOHN C. GEMMILL, Judge