

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: 07/28/2011  
RUTH A. WILLINGHAM,  
CLERK  
BY: DLL

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 10-0724  
)  
Appellee, ) DEPARTMENT C  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
MARTIN CHAVEZ, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)  
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2006-129219-001 DT

The Honorable Steven P. Lynch, Judge *Pro Tempore*

**AFFIRMED**

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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 Cory Engle, Deputy Public Defender  
Attorneys for Appellant

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**B R O W N**, Judge

¶1 Martin Chavez appeals his conviction and sentence for one count of theft of means of transportation. Counsel for Chavez

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 searching the record on appeal, he was unable to find any arguable grounds for reversal. Chavez was granted the opportunity to file a supplemental brief *in propria persona*, but he has not done so.

¶12 Our obligation is to review the entire record for reversible error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the conviction and resolve all reasonable inferences against Chavez. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶13 In July 2008, Chavez was indicted on one count of theft of means of transportation, a class 3 felony, in violation of Arizona Revised Statutes section 13-1814 (2010).<sup>1</sup> The following evidence was presented at trial.

¶14 In January 2006, the victim permitted his daughter to borrow his 1987 Chevrolet Suburban to attend a nightclub. When she exited the club to return home, the vehicle was missing. She immediately contacted the police department.

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<sup>1</sup> Absent material revision after the date of the alleged offense, we cite the statute's current version.

¶15           Officer Warren testified that he received a tip about a possible stolen vehicle. He arrived in the area of Central and Madden Streets in Avondale and located "an older model [Chevrolet] Suburban." He checked the license plate and discovered the vehicle had been reported stolen. A resident of the neighborhood told Officer Warren that Chavez had been driving the vehicle. Warren testified that Chavez admitted he had driven the vehicle earlier that day, but said that he did not steal it. Officer Warren observed that the steering column was cracked and a screwdriver was required to start the vehicle, the stereo and speakers were missing, and the heater and air-conditioning unit were sitting on the floorboard of the vehicle. He also noticed that Chavez had used the trunk area of the vehicle to store some personal items. Officer Warren testified that he did not believe Chavez stole the vehicle, but that he knew it had been stolen. The owner also testified concerning the damage to the vehicle after its recovery.

¶16           Chavez testified that M.P., an acquaintance, had asked him to work on a vehicle for a relative. The following day he realized that the Suburban parked in the vicinity of Central and Madden was the one to which M.P. was referring. He determined that there were extensive repairs to be done, so he drove the Suburban to find M.P. to ask for money to start the repairs.

M.P. could not be found, so Chavez drove back and parked the vehicle near the intersection where he had found it.

¶17 The jury found Chavez guilty of the charged offense. The court sentenced Chavez to three years supervised probation. This timely appeal followed.

¶18 We have searched the entire record for fundamental error and find none. All of the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The record shows that Chavez was present and represented by counsel at all pertinent stages of the proceedings,<sup>2</sup> was afforded the opportunity to speak before sentencing, and the sentence imposed was within statutory limits. Accordingly, we affirm Chavez's conviction and sentence.

¶19 Upon the filing of this decision, counsel shall inform Chavez of the status of the appeal and his options. Defense counsel has no further obligations unless, upon review, counsel finds 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). Chavez shall have thirty days from the date of this decision to proceed, if he so

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<sup>2</sup> Chavez failed to appear for the second and third days of trial and therefore was not present for the jury's verdict. Upon a finding of guilt, the court issued a bench warrant for his arrest. Chavez was present at sentencing.

desires, with an *in propria persona* motion for reconsideration or petition for review.

/s/

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MICHAEL J. BROWN, Judge

CONCURRING:

/s/

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DANIEL A. BARKER, Presiding Judge

/s/

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MARGARET H. DOWNIE, Judge