

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

FILED BY CLERK

MAR 12 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2012-0185
	)	DEPARTMENT B
	)	
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
STEVE LEYVAS GONZALES,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20113356001

Honorable Paul E. Tang, Judge

AFFIRMED

Angela C. Poliquin

Hamilton, MT  
Attorney for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 After a jury trial, appellant Steve Gonzales was convicted of two counts of aggravated assault with a deadly weapon. The trial court sentenced him to concurrent, enhanced, presumptive terms of 11.25 years' imprisonment. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999). As an arguable issue, counsel suggests the trial court wrongly

“allowed the jury to be instructed erroneously that reasonable apprehension is an objective standard.” Gonzales has not filed a supplemental brief.

¶2 We have examined the record pursuant to our obligation under *Anders* and have considered counsel’s arguable issue, finding no reversible error. We have found in the record substantial evidence supporting each element necessary to support the jury’s verdicts. Viewed in the light most favorable to upholding the convictions, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence at trial showed Gonzales got out of his vehicle and approached the driver of another vehicle who had made a u-turn. He displayed a knife and threatened the driver, using profane language. The driver, who testified he had “felt very scared,” drove his vehicle into a nearby parking lot and Gonzales followed, again threatening the driver with a knife and using profane language. We further conclude the sentences imposed are authorized by statute and were imposed in a lawful manner. *See* A.R.S. §§ 13-704(D); 13-1203(A)(2); 13-1204(A)(2),(D).

¶3 Having searched the record for fundamental error and found none, we affirm Gonzales’s convictions and sentences.

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge