

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

FEB 14 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0334
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JAMES PATRICK CHAVEZ,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CR201100488

Honorable Robert Duber II, Judge

AFFIRMED

Emily Danies

Tucson
Attorney for Appellant

ECKERSTROM, Presiding Judge.

¶1 Appellant James Chavez was convicted after a jury trial of kidnapping, theft of a means of transportation, conspiracy to commit kidnapping, and aggravated assault. After Chavez admitted having four historical previous felony convictions, the trial court sentenced him to a combination of partially aggravated and maximum concurrent prison terms, the longest of which were seventeen years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record but found “[n]o arguable question of law” and asking us to review the record for fundamental error. Chavez has not filed a supplemental brief.

¶2 We view the evidence in the light most favorable to upholding the jury’s verdicts. *See State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008). Chavez and two coconspirators arranged to meet the victim, took the victim’s truck, and held him captive at knifepoint; during the course of the incident, Chavez restrained the victim and choked him, and later struck the victim while he was on his hands and knees, injuring him. This evidence is sufficient to support the jury’s verdicts. *See* A.R.S. §§ 13-1003(A), 13-1203(A)(1), 13-1204(A)(4), 13-1304(A)(3), 13-1814(A)(1). And Chavez’s sentences were within the prescribed statutory range and imposed lawfully. *See* A.R.S. §§ 13-701(D), 13-703(C), (D), (J), 13-1003(D), 13-1204(D), 13-1304(B), 13-1814(D).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and found none. *See State v. Fuller*, 143 Ariz. 571, 575,

694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Accordingly, Chavez's convictions and sentences are affirmed.

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge*

*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Order filed December 12, 2012.