

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

JUL -2 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2013-0021
	)	DEPARTMENT B
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
MICHAEL PETER CRUZ,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20120769001

Honorable Richard S. Fields, Judge

AFFIRMED

Harriette P. Levitt

Tucson  
Attorney for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 Following a jury trial, appellant Michael Cruz was convicted of attempted armed robbery and attempted aggravated assault, dangerous nature offenses. After finding Cruz had two prior felony convictions, the trial court imposed concurrent, mitigated and minimum terms of imprisonment, the longer of which is nine years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the record and found “no arguable issues” to raise on appeal. She asks us to search the record for “error.” In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has provided “a detailed factual and procedural history of the case with citations to the record.” Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, and we conclude it supports counsel’s recitation of the facts. Cruz has not filed a supplemental brief.

¶2 Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in February 2012, when the victim, H., a grocery store manager, questioned Cruz about the contents of his backpack, Cruz responded, “You’re not going to stop me,” pulled out a “steak knife,” and fled from the store. H. feared Cruz would harm him or other customers with the knife. A South Tucson Police officer apprehended Cruz shortly after he had left the store and found “[p]ackages of meat” from the grocery store inside his backpack. We conclude substantial evidence supported findings of the elements necessary for Cruz’s convictions, *see* A.R.S. §§ 13-1902(A), 13-1904(A), 13-

1203(A)(2), 13-1204(A)(2), 13-1001(A), and his sentences are within the authorized range, *see* A.R.S. § 13-703(C), (J).<sup>1</sup>

¶3 In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. 386 U.S. at 744. Therefore, we affirm Cruz’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

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<sup>1</sup>Although A.R.S. § 13-703 has been amended since Cruz committed the underlying offenses, those changes are not material to his case. *See* 2012 Ariz. Sess. Laws, ch. 96, § 2 and ch. 190, § 2.