

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSE LUIS GONZALEZ,
Appellant.

No. 2 CA-CR 2016-0388
Filed August 10, 2017

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County
No. CR20154951001
The Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

COUNSEL

Joel B. Feinman, Pima County Public Defender
By Abigail Jensen, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Kelly¹ concurred.

S T A R I N G, Presiding Judge:

¶1 After a jury trial, Jose Gonzales was convicted of three counts of robbery. The trial court sentenced him to enhanced, concurrent, ten-year prison terms for each offense.

¶2 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), asserting she had reviewed the record but found no arguably meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for error. Gonzales has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, see *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. See A.R.S. § 13-1902(A). In August 2015, Gonzales entered a bank and handed the lead teller a note demanding money and stating he would “hurt everyone” if she did not comply in thirty seconds; the teller gave him \$2,444 in cash. In November 2015, Gonzales entered another bank and handed the teller a similar note; she gave him \$1,344 in cash. Shortly thereafter, Gonzales entered a convenience store and, stating he had a gun and would shoot the clerk, demanded money. When the clerk was unable to open the register, he asked for

¹The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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cigarettes, which the clerk gave him before she fled. Also, sufficient evidence supports the trial court's finding that Gonzales had at least two historical prior felony convictions. His sentences are within the statutory range and were properly imposed. *See* A.R.S. §§ 13-105(22), 13-703(C), (J), 13-1902(B).

¶4 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) (stating *Anders* requires court to search record for fundamental error). Accordingly, we affirm Gonzales's convictions and sentences.