

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

JOSEPH BRANDON ANDERSON,  
*Appellant.*

No. 2 CA-CR 2019-0074  
Filed June 3, 2020

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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NOT FOR PUBLICATION  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. 31.19(e).*

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Appeal from the Superior Court in Cochise County  
No. S0200CR201700221  
The Honorable John F. Kelliher Jr., Judge

**AFFIRMED AS CORRECTED**

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COUNSEL

Harriette P. Levitt, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Chief Judge Vásquez authored the decision of the Court, in which Presiding Judge Staring and Judge Eppich concurred.

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V Á S Q U E Z, Chief Judge:

¶1 After a jury trial, appellant Joseph Anderson was convicted of attempted fraudulent schemes and artifices, forgery, making a false statement as to financial condition or identity, theft of a credit card, second-degree money laundering, fraudulent schemes and artifices, taking the identity of another person, and nine counts of attempted theft of a credit card.<sup>1</sup> The trial court sentenced Anderson to enhanced, consecutive and concurrent prison terms totaling sixty-eight years' imprisonment.<sup>2</sup> Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating she has reviewed the record and has found no "arguable issues on appeal." Counsel has asked us to search the record for error. Anderson has not filed a supplemental brief.

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<sup>1</sup>Anderson also pled guilty to possession of drug paraphernalia and to having failed to report to his probation officer.

<sup>2</sup>In its minute entry, the trial court listed Anderson's sentence for his money laundering conviction as concurrent with several other counts. At sentencing, however, the court stated that sentence would be served consecutively to all the other sentences, except those in the plea agreement, and the court made clear, as it also did in its minute entry, that it intended for Anderson to serve a "total of 68 years." We therefore correct the minute entry to reflect that this sentence is consecutive to the others as ordered by the court at sentencing. See *State v. Hanson*, 138 Ariz. 296, 304-05 (App. 1983) ("Where there is a discrepancy between the oral sentence and the written judgment, the oral pronouncement of sentence controls."); see also *State v. Lopez*, 230 Ariz. 15, n.2 (App. 2012) ("When we can ascertain the trial court's intent from the record, we need not remand for clarification."); *State v. Vandever*, 211 Ariz. 206, ¶ 16 (App. 2005) (appellate court authorized to correct inadvertent error in sentencing minute entry).

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¶2 Viewed in the light most favorable to sustaining the verdict, *see State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence was sufficient to support the jury's finding of guilt, *see* A.R.S. §§ 13-1001, 13-1802, 13-2002(A), 13-2008(A), 13-2102(A), 13-2107(A), 13-2310(A), 13-2317(B)(1), (F)(3)(c). The evidence presented at trial showed that in February 2017 Anderson, who admitted having two historical prior felony convictions, attempted to buy nine gift cards using a check written to B.A. without her consent; in October 2016 he applied for a credit card using J.G.'s name, social security number, and date of birth without his permission; he used the card to rent a hotel room; in December 2016 he used J.G.'s bank account and driver license without permission to deposit and withdraw checks written to M.D.; he also used K.V.'s bank card and account to deposit and withdraw a check without permission. We further conclude the sentences imposed are within the statutory limit. *See* A.R.S. §§ 13-703(J), 13-1001(C), 13-2002(C), 13-2008(E), 13-2102(B), 13-2107(B), 13-2310(A), 13-2317(E).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Anderson's convictions and sentences are affirmed as corrected.