COURT OF APPEALS, DIVISION ONE

BRIEFS

SECTION 2

1 CA-CR 7114

STATE OF ARIZONA

Appellee,

v.

FRANK ANTHONY MADRID,

Appellant.

MARICOPA COUNTY
SUPERIOR COURT
NO. CR 129507

TRANSMITTAL DATE

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ORIGINAL

IN THE COURT OF APPEALS

STATE OF ARIZONA

DIVISION ONE

STATE OF ARIZONA, Appellee, vs. FRANK ANTHONY MADRID, Appellant.	)	1 CA-CR 7114 MARICOPA County Superior Court NO. CR-129507

APPELLANT'S OPENING BRIEF

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DIVISION 1
COURT OF APPEALS
STATE OF ARIZONA
FILED MAR 22 1984
GLEN D. CLARK, CLERK
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STATEMENT OF FACTS

On January 13, 1983, the Appellant, pursuant to a plea agreement, entered a plea of guilty to the crime of burglary in the second degree with one prior felony conviction. Pursuant to the plea agreement, count two theft, a class four felony and the State's allegation of a second prior conviction were dismissed. In addition, the State dismissed a separate pending action in Maricopa County Superior Court Cause No. 131664. On April 7, 1983, the Honorable HOWARD F. THOMPSON sentenced the Appellant to the presumptive term of 7-1/2 years. The Appellant filed a timely notice of appeal.

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ARGUMENT

I

ANDERS v. CALIFORNIA

Counsel for Appellant has reviewed all the records and transcripts of this case and was unable to find any arguable question of law. Therefore, it is respectfully requested that this Court search the record in an effort to locate any fundamental error that counsel for Appellant may have overlooked or failed to recognize as such. Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 492 (1967); State v. Powell, 5 Ariz.App. 51, 423 P.2d 127 (1967); A.R.S. § 13-4035.

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CONCLUSION

Counsel for Appellant respectfully urges this Court to review the record and transcripts regarding this cause in an effort to detect any possible error that counsel failed to recognize as error.

RESPECTFULLY SUBMITTED this 22nd day of March, 1984.

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Phoenix, AZ 85003

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ORIGINAL AND FIVE COPIES of the foregoing Appellant's Opening Brief have been delivered this 22nd day of March, 1984, to GLEN D. CLARK, Clerk of the Court of Appeals, State Capital Building, Phoenix, Arizona.

TWO COPIES of Appellant's Opening Brief have been delivered this same date to WILLIAM J. SHAFER, III, Assistant Attorney General, Chief Counsel, Criminal Division, 200 State Capital Building, Phoenix, Arizona.

ONE COPY of the foregoing has been mailed this 22nd day of March, 1984, to MR. FRANK ANTHONY MADRID, Arizona State Prison, Florence, Arizona, 85232.

CLAYTON R. HAMBLEN
Attorney for Appellant