

COURT OF APPEALS, DIVISION ONE

BRIEFS

SECTION 2

1 CA-CR 7115

STATE OF ARIZONA

Appellee,

v.

JAMES CHARLES MCDUGLE,

Appellant.

MARICOPA COUNTY  
SUPERIOR COURT  
NO. CR 132481

TRANSMITTAL DATE

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ORIGINAL

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, )  
 )  
 Appellee, )  
 )  
 v. )  
 )  
 JAMES CHARLES McDOUGLE, )  
 )  
 Appellant. )

No. 1 CA-CR 7115

Maricopa County  
Superior Court  
No. CR-132481

APPELLANT'S OPENING BRIEF

DIVISION 1  
COURT OF APPEALS  
STATE OF ARIZONA

FILED SEP 20 1983

GLENN J. CLARK, CLERK

By [Signature]

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10-17-83

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STATEMENT OF THE CASE

Appellant was charged by Information filed on March 28, 1983, with the crime of Aggravated Robbery, a class 3 felony. (Record on Appeal, p. 11). On April 6, 1983, Appellant entered a plea of guilty to Robbery, a class 4 felony, pursuant to a plea agreement. (Reporter's transcript, 4/6/83). The plea agreement provided that the crime was committed while Appellant was on probation, in violation of A.R.S. §13-604.01. (Id., p. 4). The agreement further provided that Appellant would be sentenced to the presumptive sentence of four years, and that his probation in Maricopa County Superior Court No. CR-104480 would be terminated unsuccessfully. (Id., p. 9). Appellant waived his right to a written presentence report and waived his right to wait not less than fifteen days nor more than thirty days before sentencing. (Id., p. 21). Appellant was sentenced to the presumptive term of four years, as provided in the plea agreement. A notice of appeal was filed on April 27, 1983.

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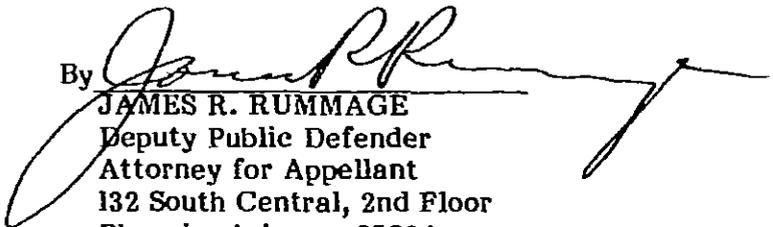
COMPLIANCE WITH ANDERS V. CALIFORNIA

Counsel for Appellant has searched the record on appeal pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). No arguable question of law has been found. It is respectfully requested that this Court search the record for fundamental error pursuant to A.R.S. §13-4035. State v. Powell, 5 Ariz.App. 51, 423 P.2d 127 (1967).

Respectfully submitted,

ROSS P. LEE  
Maricopa County Public Defender

By

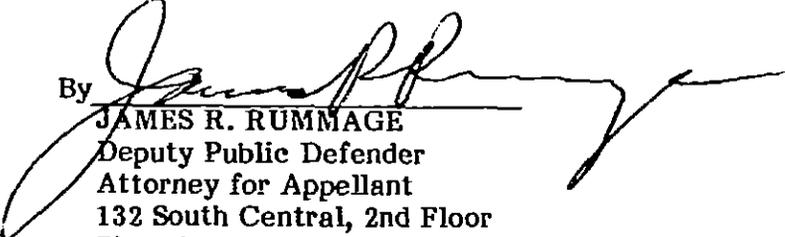
  
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TWO COPIES of Appellant's Opening Brief mailed this 20<sup>th</sup> day of September, 1983 to ROBERT K. CORBIN, Attorney General of Arizona, 1275 West Washington, Criminal Division, Second Floor, Phoenix, Arizona, 85007.

ONE COPY of Appellant's Opening Brief mailed this 20<sup>th</sup> day of September, 1983 to JAMES McDOUGLE, #47137, ACTF-Tucson, Rincon Unit, 10000 South Wilmot Road, Tucson, Arizona, 85706.

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