

COURT OF APPEALS, DIVISION ONE

BRIEFS

SECTION 2

1 CA-CR 7118

STATE OF ARIZONA

Appellee,

v.

LINDA MAE SMITH,

Appellant.

MARICOPA COUNTY
SUPERIOR COURT
NO. CR 133048

TRANSMITTAL DATE

10/327

ORIGINAL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,)
)
 Appellee,)
)
 v.)
)
 LAURA MAE SMITH,)
)
 Appellant.)
 _____)

No. 1 CA-CR 7118

Maricopa County
Superior Court
No. CR-133048

APPELLANT'S OPENING BRIEF

DIVISION 1
COURT OF APPEALS
STATE OF ARIZONA

FILED AUG 2 1983

GLEN D. CLARK, CLERK

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1-0-1928

TABLE OF CITATIONS

	<u>Page</u>
Anders v. California, 386 U.S. 738 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967)	2
State v. Powell, 5 Ariz.App. 51, 423 P.2d 127 (1967)	2
Arizona Revised Statutes, §13-604.01	2
§13-4035	2

STATEMENT OF THE CASE

On April 14, 1983 an indictment was filed in the Maricopa County Superior Court charging the Appellant with shoplifting with a prior conviction, a class 6 felony. On April 15, 1983 the Appellant entered into a plea agreement wherein she agreed to plead guilty to the offense as charged and pursuant to A.R.S. §13-604.01 agreed that she would be sentenced to one and one-half years with the Department of Corrections consecutive to any sentence imposed in CR-128629.

On April 15, 1983 the court accepted the Appellant's plea of guilty. A.R.S. §13-604.01 came into effect for the reason that Appellant was on probation in CR-128629 when this offense was committed. (Reporter's Transcript, April 15, 1983, p. 6.)

The court determined that the Appellant had violated the terms of her probation in CR-128629 by virtue of her guilty plea in the instant case.

The Appellant waived time for sentencing. The court then terminated the Appellant's probation as unsuccessfully completed in CR-128629 and in CR-133048 the court sentenced the Appellant to serve one and one-half years with the Department of Corrections with credit for fifty-two days time served.

It is from these proceedings the Appellant brings this appeal.

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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,

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TWO COPIES of Appellant's Opening Brief mailed this 2nd day of August, 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 2nd day of August, 1983 to LAURA MAE SMITH, #47407, Arizona Women's Center, 342 North 32nd Street, Phoenix, Arizona, 85008.

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