

COURT OF APPEALS, DIVISION ONE

BRIEFS

SECTION 2

1 CA-CR 7431

STATE OF ARIZONA

Appellee,

VS

JAKE F. WARREN,

Appellant.

MARICOPA COUNTY
SUPERIOR COURT
No. CR-133378

TRANSMITTAL DATE:

00029

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STATEMENT OF THE CASE

Appellant was charged by Information filed May 4, 1982, with one count of Driving While Intoxicated While License Suspended, Cancelled, Revoked or Refused, and Driving with Blood Alcohol Level .10 or More While License Suspended, Cancelled, Revoked or Refused, both class 5 felonies. (Record on Appeal, p. 15). On August 2, 1983, Appellant pled guilty, pursuant to a plea agreement, to two counts of Driving Under the Influence of Intoxicating Liquor, class 1 misdemeanors, with one prior conviction alleged. (Record, p. 18; Reporter's Transcript, 8/2/83). The plea agreement stipulated that Appellant be sentenced to pay a fine of six hundred and eighty-five dollars (\$685.00), and that he serve at least sixty (60) days in jail, concurrently. (Id.) On August 30, 1983, Appellant was placed on probation for a period of one year. (R.T. 8/30/83; Record, p. 20). Among the terms and conditions of probation were that Appellant pay a fine totalling six hundred and eighty-five dollars (\$685.00), and that he serve sixty (60) days in the Maricopa County Jail. (Id.) A timely notice of appeal was filed September 15, 1983.

COMPLIANCE WITH ANDERS V. CALIFORNIA

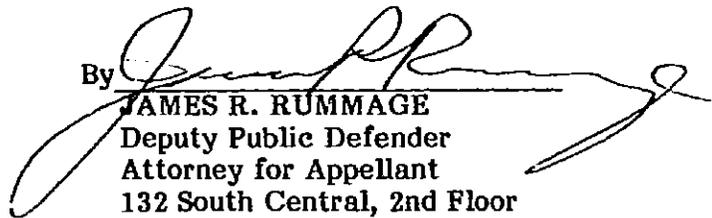
Counsel for Appellant has searched the record on appeal pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967) and State v. Leon, 104 Ariz. 297, 451 P.2d 878 (1969). No arguable question of law has been found. It is respectfully requested that this Court search the record for fundamental error pursuant to A.R.S. §13-4035. State v. Powell, 5 Ariz.App. 51, 423 P.2d 127 (1967).

This brief being in the nature of an Anders Brief, a motion for leave to allow Appellant to file supplemental brief in propria persona has been filed.

Respectfully submitted,

ROSS P. LEE
Maricopa County Public Defender

By



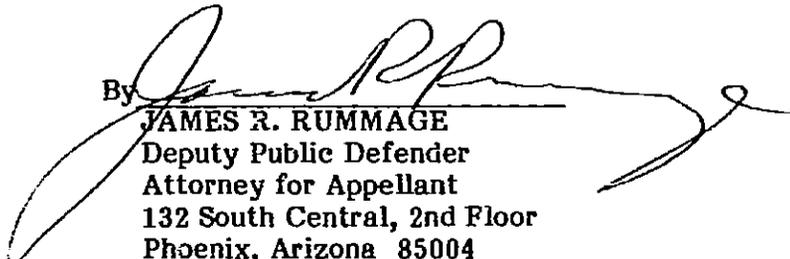
JAMES R. RUMMAGE
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TWO COPIES of Appellant's Opening Brief mailed this 20th day of December, 1983 to ROBERT K. CORBIN, Attorney General of Arizona, 1275 West Washington, Criminal Division, Second Floor, Phoenix, Arizona, 85007.

ONE COPY of Appellant's Opening Brief mailed this 20th day of December, 1983 to JAKE FRANK WARREN, 268 South Lazona, Mesa, Arizona, 85204.

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