

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 07/05/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) No. 1 CA-CR 11-0642
)
Appellee,) DEPARTMENT C
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
JAMES MICHAEL GREATHOUSE,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
_____)

Appeal from the Superior Court in Maricopa County

Cause No. CR1988-003253

The Honorable Sheila A. Madden, Judge *Pro Tem*

AFFIRMED

Thomas C. Horne, Arizona Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Terry J. Adams, Deputy Public Defender
Attorneys for Appellant

D O W N I E, Judge

¶1 James Michael Greathouse timely appeals from the determination that he violated his terms of probation and from the disposition of the probation violation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), defense counsel has searched the record, found no arguable question of law, and asked that we review the record for fundamental error. See *State v. Richardson*, 175 Ariz. 336, 339, 857 P.2d 388, 391 (App. 1993). Despite being afforded the opportunity to do so, Greathouse did not file a supplemental brief *in propria persona*.

FACTS AND PROCEDURAL HISTORY

¶2 In June 1989, Greathouse pled guilty to child molestation, a class 2 felony, and attempted child molestation, a class 3 felony. He was sentenced to 22 years' imprisonment and lifetime probation. Greathouse was released from prison in July 2010.

¶3 The Adult Probation Department subsequently petitioned to revoke Greathouse's probation. It alleged that he failed to: (1) participate and cooperate in counseling; (2) participate and cooperate with polygraph testing; (3) remain on his intensive probation ("IPS") schedule; and (4) undergo physiological and psychological testing and group counseling for sex offenders.

¶4 At the ensuing evidentiary hearing, Greathouse's probation officer testified that he directed Greathouse multiple

times to complete a sex-offender polygraph, but he failed to do so. The probation officer further testified that Greathouse admitted failing to follow his IPS schedule numerous times. The State also submitted a behavioral report signed by Greathouse admitting he had gone off his IPS schedule.

¶15 The court found that Greathouse failed to participate and cooperate with polygraph testing; remain on his IPS schedule; and undergo physiological testing. It reinstated him to probation, adding a term of four months' incarceration in the county jail. Greathouse timely appealed.

DISCUSSION

¶16 We have read and considered the brief submitted by Greathouse's counsel and have reviewed the entire record. *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find no fundamental error. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed for the probation violation was within the statutory range. Greathouse was present at all critical phases of the proceedings and was represented by counsel. The court had a factual and legal basis for concluding that Greathouse had violated his terms of probation.

CONCLUSION

¶17 We affirm the judgment of the superior court. Counsel's obligations pertaining to Greathouse's representation

