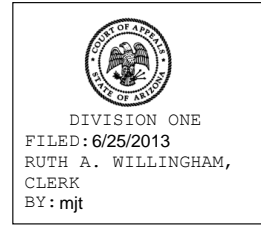


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0545
)
Appellee,) Department D
)
) **MEMORANDUM DECISION**
v.) (Not for Publication-
) Rule 111, Rules of the
ROLAND URBAN WILLINGHAM,) Arizona Supreme Court)
)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2012-005723-001

The Honorable Pamela D. Svoboda, Commissioner

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Joseph T. Maziarz, Chief Counsel
Criminal Appeals Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Christopher V. Johns, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz.

297, 451 P.2d 878 (1969). Counsel for Roland Urban Willingham (defendant), after searching the entire record, has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has not done so.

¶2 In August 2011, a Walmart loss-prevention employee noticed, through video surveillance, defendant and another male pushing a shopping cart inside a Walmart. The duo loaded clothing, diapers, laundry detergent, and a backpack into the cart. They stuffed the backpack with clothing, and defendant began to wear the backpack. The pair then headed for the store's main exit, walking past a row of nearly thirty cash registers. After observing that they did not pay for the merchandise, the employee apprehended defendant outside the store; the other male ran away. Upon being caught, defendant stated, "wow, you guys are good." Phoenix Police Officer Susanne Fitch was called to the scene, and, after being *Mirandized*, defendant admitted to her that he was not planning on paying for the merchandise.

¶3 The state charged defendant with one count of organized retail theft, a class four felony. At trial, Officer Fitch testified that defendant had neither the resources nor the

intention of purchasing the merchandise, which she deduced from the Walmart interrogation.

¶4 The jury convicted defendant as charged. During sentencing, defendant admitted to two prior felony convictions and to being on felony probation when he committed the offense, making him a category three repetitive offender. See Ariz. Rev. Stat. § 13-703(C) (2010). Consequently, the court sentenced defendant to the presumptive term of ten years in prison with two years of probation upon release. The court gave defendant 214 days of presentence incarceration credit. Defendant timely appealed.

¶5 We have read and considered counsel's brief and have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, defendant was adequately represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶6 We affirm the conviction and sentence.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

JOHN C. GEMMILL, Presiding Judge

/s/

DONN KESSLER, Judge