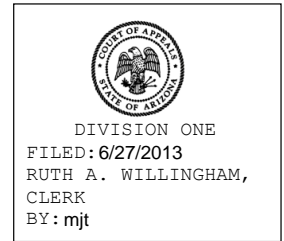


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 12-0660  
) 1 CA-CR 12-0663  
) (Consolidated)  
Appellee, )  
) DEPARTMENT D  
v. )  
) **MEMORANDUM DECISION**  
LINDA BECENTI, )  
) (Not for Publication -  
Appellant. ) Rule 111, Rules of the  
) Arizona Supreme Court)  
)

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Appeal from the Superior Court in Maricopa County

Cause No. CR2008-140067-001 and CR2009-007155-001

The Honorable Sheila A. Madden, Judge

**AFFIRMED**

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

Maricopa County Public Defender's Office Phoenix  
By Charles R. Krull, Deputy Public Defender  
Attorneys for Appellant

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G E M M I L L, Judge

¶1 Linda Becenti appeals from her reinstatement of probation pursuant to a guilty plea on two consolidated felony

counts. Becenti's counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that he has searched the record and found no arguable question of law and requesting that this court examine the record for reversible error. Becenti was afforded the opportunity to file a *pro se* supplemental brief but did not do so. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). For the following reasons, we affirm.

#### FACTS AND PROCEDURAL HISTORY

¶2 "We view the facts and all reasonable inferences therefrom in the light most favorable to sustaining the convictions." *State v. Powers*, 200 Ariz. 123, 124, ¶ 2, 23 P.3d 668, 669 (App. 2001).

¶3 In February 2009, Becenti was charged with one count of marijuana possession, a class six felony, and one count of trafficking in the identity of another, a class two felony. On November 23, 2009, she pleaded guilty to both the drug-related felony and a reduced charge of possession of a forgery device. Becenti was placed on two years of supervised probation beginning on December 10, 2009.

¶4 On March 30, 2010, the State filed a petition to revoke Becenti's probation. At a disposition hearing on February 18, 2011, she admitted to violating Term 3, which

required her to report as directed to her assigned probation officer. As a result, the court revised the terms of probation, reinstating it for two years with a new expiration date of February 18, 2013.

¶15 On May 21, 2012, the State filed a second petition to revoke probation, this time claiming that Becenti violated multiple terms of probations on both counts. Specifically, the State alleged that Becenti failed to report to her supervising officer (Term 6), did not provide officers with accurate information regarding her place of residence (Term 7), did not participate in the treatment at the facility assigned by her supervising officer (Term 11), and did not pay the fines imposed by the court (Term 15). Further, the State alleged that Becenti failed to complete the twenty-four hours of community restitution required for the drug-related offense (Term 17).

¶16 The court held a witness violation hearing regarding the petition to revoke probation on July 23, 2012. Becenti's probation officer ("Officer") testified that Becenti had failed to report as required on at least three occasions. Becenti also failed to report even after Officer contacted her and attempted to reschedule the required time and date.

¶17 Officer further testified that Becenti did not provide her with a valid residential address. Despite being asked multiple times, Becenti repeatedly failed to disclose her

current home address. Ultimately, she gave Officer what turned out to be a false address.

¶18 The terms of probation also required Becenti to seek treatment at the facility designated by her probation officer. She was directed by Officer to report to Casa de Amigas, a residential facility for drug abuse rehabilitation. However, Becenti was never admitted into Casa de Amigas. She claimed that the facility would not take her in because of an inability to pay. However, Officer testified that according to Casa de Amigas staff, financial reasons would not preclude someone from receiving treatment.

¶19 Becenti was required to pay fines and restitution pursuant to both counts. Officer testified that Becenti had not paid any of the fines in accordance with the monthly payment plan imposed by the court. Becenti, however, testified that she had been unemployed for several months and was therefore unable to pay.

¶10 Finally, Becenti testified that she had completed at least 45 sessions of treatment at Native American Connections, which should have satisfied the requirement of community restitution. However, Officer testified that the only documentation Becenti provided regarding this treatment showed that she had been unsuccessfully discharged from the program. Although she claimed to have a certificate of completion,

Becenti did not produce that certificate nor did she submit it to Officer.

¶11 The court found by a preponderance of the evidence that Becenti violated terms 6, 7, 11, and 17 in the drug-related felony and terms 6, 7, and 11 in the identity theft felony. At the disposition hearing on October 5, 2012, the court reinstated Becenti to probation in the forgery case with a revised expiration date of September 19, 2013. Further, Becenti was ordered to spend two months in the county jail so that she could participate in an in-house rehabilitation program.

¶12 Although Becenti was no longer eligible for mandatory probation on the drug-related offense, see Ariz. Rev. Stat. ("A.R.S.") § 13-901.01(G) (2009), the court reinstated Becenti's probation for two years with a revised expiration date of March 19, 2013. It also reinstated the imposed fines, restitution, and requirement of twenty-four hours of community restitution. This appeal followed these decisions of the court. We have jurisdiction pursuant to Article 6, Section 9 of the Arizona Constitution and A.R.S. §§ 12-120.21(A) (Supp. 2012),<sup>1</sup> 13-4031 and 13-4033(A)(3) (2010).

#### DISCUSSION

¶13 Having considered defense counsel's brief and examined

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<sup>1</sup> We cite the current version of applicable statutes when no revisions material to this decision have occurred since the events in question.

the record for reversible error, see *Leon*, 104 Ariz. at 300, 451 P.2d at 881, we find none. The evidence presented supports the convictions and the sentences imposed fall within the range permitted by law. As far as the record reveals, Becenti was represented by counsel at all stages of the proceedings, and these proceedings were conducted in compliance with her constitutional and statutory rights and the Arizona Rules of Criminal Procedure.

¶14 Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), counsel's obligations in this appeal have ended. Counsel need do no more than inform Becenti of the disposition of the appeal and her future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. Becenti has thirty days from the date of this decision in which to proceed, if she desires, with a *pro se* motion for reconsideration or petition for review.

**CONCLUSION**

¶15 The conviction and sentence are affirmed.

/s/

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JOHN C. GEMMILL, Presiding Judge

CONCURRING:

/s/

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JON W. THOMPSON, Judge

/s/

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DONN KESSLER, Judge