

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: 12/01/2009
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BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 09-0049
)
Appellee,) DEPARTMENT A
)
v.) **MEMORANDUM DECISION**
) (Not for Publication - Rule 111,
GREGORY WILSON NAYLOR,) Rules of the
) Arizona Supreme Court)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR1993-007099

The Honorable Randy Ellexson, Judge

AFFIRMED

Terry Goddard, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Kathryn L. Petroff, Deputy Public Defender
Attorneys for Appellant

Gregory Wilson Naylor San Luis
In Propria Persona

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 Gregory Wilson Naylor (defendant) has advised us that, after searching the entire record, she has been unable to discover any arguable questions of law and has filed a brief requesting this court to conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has done so.

¶12 In 1993, defendant was charged with and pled guilty to three counts of theft, each a class three felony. For count one, defendant was sentenced to an aggravated term of eight years of incarceration. On counts two and three, his sentence was suspended, with probation to begin on his release from the Department of Corrections.

¶13 In 2004, while on probation, defendant was arrested in Illinois on several charges of theft. Shortly thereafter, Maricopa County Superior Court issued a bench warrant alleging defendant's probation violations. In 2006, after incarceration on his Illinois charges, defendant was extradited to Arizona for his probation violations. The court revoked defendant's probation and ordered five years incarceration on each suspended sentence, to run consecutively. This *Anders* appeal focuses solely on the count three suspended sentence because the sentence for count two was vacated.

¶14 At the resentencing, the court revoked the grant of probation for count three and sentenced defendant to five years incarceration. Defendant appealed. Defendant argues that he was not properly credited for pre-sentence time served in Illinois. Our review of the record reveals no error. Defendant was properly credited with 943 days of presentence incarceration credit and is not entitled to credit for time served in Illinois custody on an Illinois charge. See generally *Arizona v. Horrisberger*, 133 Ariz. 569, 653 P.2d 26 (1982). Defendant also argues that the trial court did not have subject matter jurisdiction over him. Our review of the record reveals no error with respect to this argument.

¶15 We have read and considered counsel and defendant's briefs 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.

¶6

We affirm the conviction and sentence.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

Philip Hall, Presiding Judge

/s/

Daniel A. Barker, Judge