

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



DIVISION ONE  
FILED: 07-20-2010  
PHILIP G. URRY, CLERK  
BY: GH

STATE OF ARIZONA, ) 1 CA-CR 09-0060  
)  
Appellee, ) DEPARTMENT A  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
) Rule 111, Rules of the  
RICHARD PAUL RODGERS, ) Arizona Supreme Court)  
)  
Appellant. )  
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-147779-001 DT

The Honorable Cari A. Harrison, Judge

**AFFIRMED**

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Terry Goddard, 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 Eleanor S. Terpstra, Deputy Public Defender  
Attorneys for Appellant

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P O R T L E Y, Judge

¶1 This is 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 Richard Paul Rodgers ("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 us to conduct an *Anders* review of the record. Defendant was given an opportunity to file a supplemental brief and has not filed one.

### **FACTS<sup>1</sup>**

¶2 In July 2008, Defendant entered his ex-wife's apartment without her consent. He remained in the apartment even though she asked him to leave several times. At some point, he pulled out a box cutter and opened and closed the blade twice as he was talking. After approximately thirty minutes, he left the apartment. His ex-wife then contacted the police, and he was detained a short distance from the apartment.

¶3 He was charged with criminal trespass in the first degree, a class six felony, and threatening or intimidating, a class one misdemeanor, both domestic violence offenses. The jury found him guilty of criminal trespass but acquitted him of threatening or intimidating. Before sentencing, the State proved that Defendant had a historical felony and was on probation at the time he committed the offense. As a result, he

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<sup>1</sup> We review the facts in the light most favorable to sustaining the verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

was sentenced to 1.75 years in prison and was awarded 160 days of presentence incarceration credit.

¶4 We have jurisdiction over this appeal pursuant to Article 6, Section 9, of the Arizona Constitution, and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031, and -4033(A)(1) (2010).

#### DISCUSSION

¶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.

¶6 Having searched the entire record for reversible error, we find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Defendant was represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits.

#### CONCLUSION

¶7 After this decision has been filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel need do no more than inform Defendant of the status of the appeal and Defendant's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984).

Defendant may, if he desires, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶8 Accordingly, we affirm Defendant's conviction and sentence.

/s/

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MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

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LAWRENCE F. WINTHROP, Judge

/s/

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MARGARET H. DOWNIE, Judge