

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: 02/18/2010
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BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 09-0477
)
Appellee,) DEPARTMENT A
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
RAYMOND LEROY DOMINGUEZ,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
)
)
)
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)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-119422-001 DT

The Honorable Edward O. Burke, Judge

AFFIRMED

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 Thomas Baird, Deputy Public Defender
Attorneys for Appellant

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 Defendant Raymond Leroy Dominguez has advised us that, after searching the entire record, he 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.

FACTS¹

¶2 Defendant was in a Phoenix alleyway near a Salt River Project ("SRP") power pole at approximately 11:00 a.m. on January 15, 2008. A homeowner in the neighborhood witnessed him cutting wiring on the pole with "reddish" bolt cutters and placing "the metal" in a backpack. When confronted, Defendant exchanged words with the homeowner and left the scene on a chrome mountain bicycle. The homeowner went home, got in his car and started driving, and called the police after locating Defendant. After Defendant was detained, the homeowner positively identified him as the man he saw in the alley. During a search of Defendant's backpack, the police found "pieces of snipped [copper] wire" and red bolt cutters inside.

¹ 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).

¶13 Defendant was charged with criminal damage, a class four felony. At trial, the homeowner, a police officer, an SRP employee, and Defendant testified. The SRP employee testified that "copper ground wires had been cut and removed" from SRP's power poles in the alley, which caused a serious safety hazard. Although Defendant testified on his own behalf, the jury convicted him as charged.

¶14 At sentencing, the State proved that Defendant had three prior felony convictions. Defendant was then sentenced as a repetitive offender to the presumptive prison term of four and one-half years, with thirty-three days of presentence incarceration credit. He was also ordered to pay \$1400.16 in restitution.

DISCUSSION

¶15 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 no reversible error. 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

¶16 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 can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

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

/s/ _____
MAURICE PORTLEY, Judge

CONCURRING:

/s/ _____
DIANE M. JOHNSEN, Presiding Judge

/s/ _____
DANIEL A. BARKER, Judge