

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: 03/27/2012
RUTH A. WILLINGHAM,
CLERK
BY: GH

STATE OF ARIZONA,) 1 CA-CR 11-0139
)
Appellee,) DEPARTMENT D
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
AARON KEITH WOOD,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2010-132009-001 DT

The Honorable Robert L. Gottsfield, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
by Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

Droban & Company, PC Anthem
by Kerrie M. Droban
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 Aaron Keith Wood 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. Wood was given an opportunity to file a supplemental brief, and has not filed one. 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) (West 2012), 13-4031 (West 2012), and -4033(A)(1) (West 2012).

FACTS¹

¶2 Phoenix police officers responded to a vacant residence on June 18, 2010, after receiving a 9-1-1 call reporting a suspicious person on the premises. The home security system had been activated when the police arrived, and Wood was inside the fenced backyard. When the first officer on the scene approached the backyard, Wood walked out of the side gate and toward the officer. He was subsequently arrested and searched. The officer found a set of pliers and a 5/16-inch nut driver tool in his front pockets.

¶3 After Wood received *Miranda*² warnings, he told the officer that he had planned to remove the home's air conditioning units. Specifically, he said he had pulled the

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

² *Miranda v. Arizona*, 384 U.S. 436 (1966).

circuit breakers from the electrical panel in the backyard and had intended to cut the line containing pressurized, freon gas, but was "spooked" after discovering that the line had already been cut. He showed the officer the copper-like line that appeared "freshly pinched." Officers found that, in fact, someone had tampered with the backyard air conditioning units.

¶4 Wood was indicted for burglary in the third degree, a class four felony, in violation of A.R.S. § 13-1506(A)(1) (West 2012), and possession of burglary tools, a class six felony, in violation of A.R.S. § 13-1505(A)(1) (West 2012).

¶5 The case went to trial and the jury found Wood guilty of both counts. The court found two aggravators, a historical prior felony conviction, and a probation violation.³ Wood was then sentenced to four and a half years for burglary and a concurrent year and nine months for possession of burglary tools. The sentences were to be served consecutive to his one-year prison sentence for the probation violation, for which he received forty-five days of presentence incarceration credit.

DISCUSSION

¶6 We have read and considered counsel's brief and have searched the record before us for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the

³ Wood was on probation in Maricopa County Cause No. CR 2009-136700-001 for possession of burglary tools, a class six felony, when he was arrested in June 2010.

proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Wood was represented by counsel at all stages of the proceedings, and the sentences imposed were within the statutory limits.

CONCLUSION

¶7 We affirm Wood's convictions and sentences. After this decision has been filed, counsel's obligation to represent Wood in this appeal has ended. Counsel need do no more than inform Wood of the status of the appeal and Wood's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Wood may, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

/s/

MAURICE PORTLEY, Judge

CONCURRING:

/s/

JON W. THOMPSON, Presiding Judge

/s/

JOHN C. GEMMILL, Judge