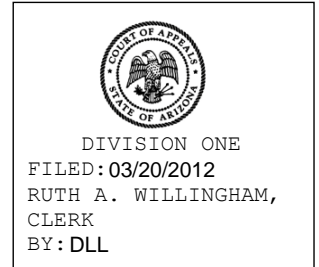


**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24**

**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**



STATE OF ARIZONA,) 1 CA-CR 11-0294
)
Appellee,) Department D
)
v.) **MEMORANDUM DECISION**
) (Not for Publication-
JUSTIN DALE MCDANIEL,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
)
)

Appeal from the Superior Court of Maricopa County

Cause No. CR2010-140591-001DT

Lisa Ann Vandenberg, Commissioner

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
by Christopher V. Johns, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Presiding 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 Justin Dale McDaniel

(defendant) 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 this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has not done so.

¶2 Defendant was discovered removing a piece of air conditioning equipment from the fenced yard of a residential house on a dolly. The renter who discovered him told him to put it back and took a picture of defendant and defendant's vehicle. Defendant left the equipment and drove off. Using the photos, police located defendant who admitted trespassing with the intent of taking the machinery for scrap; defendant asserted he thought the house was abandoned. Defendant was charged with one count of burglary in the third degree, a class 4 felony. Defendant was convicted after a jury trial and he received a suspended sentence with two years of intensive supervised probation. One term of the probation was serving a month in county jail. Defendant timely appealed.

¶3 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 none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, 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.

¶4 We affirm the conviction and sentence.

/s/

JON W. THOMPSON, Presiding Judge

CONCURRING:

/s/

MAURICE PORTLEY, Judge

/s/

JOHN C. GEMMILL, Judge