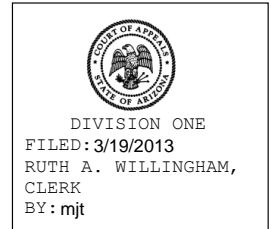


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Sup. Ct. 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, )  
 )  
 ) 1 CA-CR 12-0032  
 ) 1 CA-CR 12-0033  
 Appellee, ) (Consolidated)  
 )  
 ) DEPARTMENT D  
 v. )  
 )  
 ) **MEMORANDUM DECISION**  
 ) (Not for Publication-  
 RICK WAYNE VALENTINI aka ) Rule 111, Rules of the  
 BRYAN ALLEN STEWART, ) Arizona Supreme Court)  
 )  
 Appellant. )  
 )

Appeal from the Superior Court of Maricopa County

Cause No. CR2007-154790-001  
CR2010-007708-001

The Honorable Lisa Daniel Flores, Judge

**AFFIRMED**

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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 Spencer D. Heffel, Deputy Public Defender  
Attorneys for Appellant

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**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 Rick Wayne Valentini (defendant), after searching the entire record, 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 went by the name Rick Wayne Valentini for the majority of his early life. In 2001, defendant created and assumed a new identity, that of Bryan Allen Stewart. In 2007, defendant identified himself to police as Bryan Stewart following an arrest for breaking into a garage. Defendant used the name Bryan Stewart during the proceedings and signed a plea agreement, resulting in a conviction in CR2007-154790-001 for criminal trespass in the first degree under his false identity.

¶3 Years later, defendant was arrested on an outstanding traffic warrant. Defendant's statements, when compared with the contents of his wallet, resulted in an investigation of his identity. Officers searched defendant's home and a storage unit, where they found evidence of the false identity and four firearms. The state charged defendant with 41 counts in total: 28 counts of forgery, class 4 felonies (counts 1-4, 7-9, 11-12, 14, 16-20, 22-25, 27-29, 31-36); 5 counts of taking identity of

another, class 4 felonies (counts 5, 13, 15, 21, 30); 2 counts of money laundering in the second degree, class 3 felonies (counts 6, 10); 1 count of criminal possession of a forgery device, a class 6 felony (count 26); and 5 counts of misconduct involving weapons, class 4 felonies (counts 37-41).

¶4 At trial, the state presented evidence that one of defendant's false social security numbers belonged to Q.B. Q.B. testified that he did not know defendant and had not given defendant permission to use his social security number, which defendant used on a bank application, employment applications, a tax form, and on a pair of military dog-tags. The state also presented a letter from defendant to his aunt in which he admitted to inventing Bryan Stewart and living under the alias. Defendant purchased an embosser and customized seal to create false documents. He relied on three social security numbers to create a false birth certificate and obtain a government identification card under this new name. Defendant used these documents and a false University of Michigan diploma to gain employment, to open bank accounts, to enroll as a member in groups, and to obtain two distinct voter registrations.

¶5 Defendant was convicted of 40 counts after a jury trial (counts 1-36, 38-41). As to the remaining misconduct involving weapons charge, the jury returned a not guilty verdict (count 37). The trial court found that based on defendant's

criminal trespass conviction and probation, the subsequent offenses (counts 20-36, 38-41) were automatic probation violations. The trial court sentenced defendant to a presumptive term of 1 year for the probation violation; concurrent, presumptive terms for counts 1-36 (Counts 1-2: 2.5 years; Counts 3-5, 7-9, 11-25, 27-36: 4.5 years; Counts 6-10: 6.5 years; Count 26: 1.75 years); and concurrent, presumptive 4.5 year terms for counts 38-41, to be served consecutive to counts 1-36. Defendant received 365 days presentence incarceration credit for the probation violation, 0 days credit for counts 1-36, and 205 days credit for counts 38-41. Defendant timely appealed.

¶16 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. 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. Defendant has thirty days from the date of this decision in which to proceed, if he so desires,

with an *in propria persona* motion for reconsideration or petition for review.

¶7 We affirm the convictions and sentences.

/s/

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JON W. THOMPSON, Judge

CONCURRING:

/s/

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JOHN C. GEMMILL, Presiding Judge

/s/

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DONN KESSLER, Judge