

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

SARA ANNE LOUSTAUNAU, *Appellant*.

No. 1 CA-CR 18-0351
FILED 10-17-2019

Appeal from the Superior Court in Maricopa County
No. CR2016-157085-002
The Honorable Bradley H. Astrowsky, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Joel M. Glynn
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Peter B. Swann delivered the decision of the court, in which Presiding Judge Michael J. Brown and Judge Kenton D. Jones joined.

S W A N N, Chief Judge:

¶1 This is an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), from Sarah Anne Loustaunau's convictions and sentences for taking the identity of another and theft of a credit card. Neither Loustaunau nor her counsel identify any issues for appeal.

¶2 At trial, the state presented evidence of the following facts. On October 5, 2016, A.D. left her car at a car dealership for services. She did not remove the credit cards she regularly kept in the car. On October 12, 2016, her bank alerted her to possible credit card fraud. She called law enforcement the next day to report one of her credit cards as stolen. Law enforcement then went to the Walmart where the suspected credit card fraud had occurred and viewed surveillance footage of Loustaunau using the credit card. Law enforcement arrested Loustaunau in December 2016.

¶3 The jury found Loustaunau guilty of one count of taking the identity of another, a class 4 felony under A.R.S. § 13-2008, and one count of theft of a credit card, a class 5 felony under A.R.S. § 13-2102. The state presented evidence that Loustaunau had two prior felony convictions, one from a 2006 offense and one from a 2007 offense. The court entered judgment on the verdicts and sentenced Loustaunau as a category two repetitive offender to mitigated, concurrent prison terms of 2.25 years and 1 year, with credit for 58 days of presentence incarceration.

¶4 We detect no fundamental error. All of the proceedings were conducted in compliance with the law. The jury's verdicts were supported by sufficient evidence. A person commits taking the identity of another by knowingly using any personal identifying information of another person without his or her consent, with the intent to use it for any unlawful purpose or to cause loss to a person or entity. A.R.S. § 13-2008(A). Personal identifying information includes any document or data that provides information concerning a name or credit card. A.R.S. § 13-2001(10). A person commits theft of a credit card by controlling a credit card without

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the cardholder's consent, with the intent to deprive the cardholder of the credit card. A.R.S. §§ 13-2102(A)(1), -1802(A)(1). The state presented evidence that Loustaunau used A.D.'s credit card without A.D.'s permission to make purchases at A.D.'s expense. The court imposed lawful sentences. See A.R.S. §§ 13-2008(E), -2102(B), -703(A), (I).

¶5 We affirm the convictions and sentences. Defense counsel's obligations in this appeal are at an end. See *State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Unless, upon review, counsel discovers an issue appropriate for petition for review to the Arizona Supreme Court, counsel must only inform Loustaunau of the status of this appeal and her future options. *Id.* Loustaunau has 30 days from the date of this decision to file a petition for review *in propria persona*. See Rule 31.21(b)(2)(A). Upon the court's own motion, Loustaunau has 30 days from the date of this decision in which to file a motion for reconsideration. See Rule 31.20(c).



AMY M. WOOD • Clerk of the Court
FILED: AA