

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Appellee*,

*v.*

RICHARD ALLEN BEYER, JR., *Appellant*.

No. 1 CA-CR 18-0643  
FILED 2-11-2020

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Appeal from the Superior Court in Maricopa County  
No. CR2017-000918-001  
The Honorable William R. Wingard, Judge *Pro Tempore*

**AFFIRMED**

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COUNSEL

Bain & Lauritano, PLC, Glendale  
By Sheri M. Lauritano  
*Counsel for Appellant*

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

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**MEMORANDUM DECISION**

Judge James B. Morse Jr. delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Judge Diane M. Johnsen joined.

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**M O R S E**, Judge:

¶1 Richard Allen Beyer Jr. appeals his convictions and sentences for one count of kidnapping, two counts of aggravated assault, and one count of disorderly conduct. After searching the entire record, Beyer's defense counsel identified no arguable question of law that is not frivolous. Therefore, in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), defense counsel asks this Court to search the record for fundamental error. Beyer was given an opportunity to file a supplemental brief in *propria persona*, but has not done so. Finding no reversible error, we affirm.

**FACTS<sup>1</sup> AND PROCEDURAL BACKGROUND**

¶2 Beyer and a friend were passengers in an Uber. Beyer instructed the Uber driver to take them to Beyer's townhouse where Beyer retrieved a handgun. At Beyer's direction, the driver then took them to a 7-Eleven and two different auto-body shops. During the drive, Beyer threatened several times to shoot the driver, twice pointed the gun at the driver's head, and fired the gun once out of the car window. At the 7-Eleven, Beyer purchased a case of beer that he drank in the car. At the first body shop, Beyer ordered the driver out of the car and all three went inside. At the second body shop, the driver got out of the car and lit a cigarette. When Beyer ordered the driver inside, the driver told Beyer he would not go into the body shop because he was smoking. After Beyer and the friend entered the body shop, the driver escaped in his car and called police, who arrived at the shop and arrested Beyer.

¶3 After the close of the state's case at trial, the defendant moved for a judgment of acquittal. The court found substantial evidence to warrant a conviction and denied the motion. The twelve-person jury

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<sup>1</sup> "We view the facts in the light most favorable to sustaining the convictions with all reasonable inferences resolved against the defendant." *State v. Valencia*, 186 Ariz. 493, 495 (App. 1996).

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convicted Beyer of kidnapping, two counts of aggravated assault, and disorderly conduct—and found that all were dangerous offenses. On the state's motion, the court dismissed one severed count of misconduct involving weapons.

¶4 The trial court conducted the sentencing hearing in compliance with Beyer's constitutional rights and Arizona Rule of Criminal Procedure 26. During sentencing, the state proved two prior felony convictions. The court noted the jury's findings of aggravating factors and Beyer's prior felony convictions, but found that the mitigating factors of limited criminal history and substance abuse warranted the presumptive sentence. The court sentenced Beyer to concurrent terms of 15.75 years for kidnapping, 11.25 years for the aggravated assaults, and 3.75 years for disorderly conduct, with thirty-nine days of presentence incarceration credit. The court ordered Beyer to pay \$55 in fees.

¶5 Beyer timely appealed. This Court has jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and A.R.S. §§ 12-120.21(A)(1), 13-4031, and -4033(A).

**DISCUSSION**

¶6 We review Beyer's convictions and sentences for fundamental error. *See State v. Flores*, 227 Ariz. 509, 512, ¶ 12 (App. 2011). Counsel for Beyer has advised this Court that after a diligent search of the entire record, counsel has found no arguable question of law. We have read and considered counsel's brief and fully reviewed the record for reversible error, *see Leon*, 104 Ariz. at 300, and find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure and the record reveals that counsel represented Beyer at all stages of the proceedings. There was sufficient evidence from which the jury could determine, beyond a reasonable doubt, that Beyer is guilty of the charged offenses. The jury was properly comprised of 12 members. *See* A.R.S. § 21-102(A). The trial court properly instructed the jury on the presumption of innocence, the burden of proof, and the elements of the charged offenses. At sentencing, the court received a presentence report, Beyer was given an opportunity to speak, and the court stated on the record the evidence and factors it considered in imposing the sentences. *See* Ariz. R. Crim. P. 26.9, 26.10. And the sentences imposed were within the statutory limits. *See* A.R.S. §§ 13-701, -703, -801. We affirm Beyer's convictions and sentences.

¶7 Upon the filing of this decision, defense counsel shall inform Beyer of the status of the appeal and of his future options. Counsel has no

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further obligations unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Beyer shall have 30 days from the date of this decision to proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

**CONCLUSION**

¶8 For the foregoing reasons, we affirm Beyer's convictions and sentences.



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