

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

TROY LEE WELLS, *Appellant*.

No. 1 CA-CR 19-0233
FILED 1-23-2020

Appeal from the Superior Court in Mohave County
No. S8015CR201700746
The Honorable Derek C. Carlisle, Judge

AFFIRMED

COUNSEL

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

Janelle A. McEachern Attorney at Law, Chandler
By Janelle A. McEachern
Counsel for Appellant

STATE v. WELLS
Decision of the Court

MEMORANDUM DECISION

Judge Kent E. Cattani delivered the decision of the Court, in which Presiding Judge Maria Elena Cruz and Chief Judge Peter B. Swann joined.

CATTANI, Judge:

¶1 Troy Lee Wells appeals his convictions and sentences for two counts of indecent exposure. Wells’s counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), certifying that, after a diligent search of the record, she found no arguable question of law that was not frivolous. Wells was given the opportunity to file a supplemental brief but did not do so. Counsel asks this court to search the record for reversible error. *See State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999). After reviewing the record, we affirm Wells’s convictions and sentences.

FACTS AND PROCEDURAL BACKGROUND

¶2 One evening in early May 2017, Wells attended a barbeque at his neighbor’s house. While sitting just a few feet away from 11-year-old S.F. and 16-year-old R.S., Wells looked straight at the victims, pulled up his loose basketball shorts, reached into his shorts, and pulled out his penis. S.F. and R.S., who described their reactions as “scared and very bothered” and “[a]stonished,” immediately ran away.

¶3 Wells was later arrested and charged with two counts of indecent exposure, one a class 6 felony because the victim was under 15 years of age, and the other a class 1 misdemeanor. *See* A.R.S. § 13-1402(A), (C). A jury found Wells guilty as charged, and the superior court sentenced him to consecutive terms of 59 days (with credit for 59 days served) on the misdemeanor count and 6 months’ imprisonment on the felony count. Wells timely appealed.

DISCUSSION

¶4 We have read and considered counsel’s brief and have reviewed the record for reversible error. *See Leon*, 104 Ariz. at 300. We find none.

STATE v. WELLS
Decision of the Court

¶5 Wells was present and represented by counsel at all stages of the proceedings against him. The record reflects that the superior court afforded Wells all his constitutional and statutory rights, and that the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The court conducted appropriate pretrial hearings, and the evidence presented at trial was sufficient to support the jury's verdicts. Wells's sentences fall within the range prescribed by law, with proper credit given for presentence incarceration.

CONCLUSION

¶6 Wells's convictions and sentences are affirmed. After the filing of this decision, defense counsel's obligations pertaining to Wells's representation in this appeal will end after informing Wells of the outcome of this appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). On the court's own motion, Wells has 30 days from the date of this decision to proceed, if he desires, with a *pro se* motion for reconsideration or petition for review.



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