

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



DIVISION ONE
FILED: 02/24/11
RUTH WILLINGHAM,
ACTING CLERK
BY: DLL

STATE OF ARIZONA,) 1 CA-CR 10-0260
)
Appellee,)
)
v.) DEPARTMENT C
)
) **MEMORANDUM DECISION**
JARED DANIEL ST. CLAIR,)
)
Appellant.) (Not for Publication -
) Rule 111, Rules of the
) Arizona Supreme Court)
)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR-2009-130094-001DT

The Honorable Julie P. Newell, Judge *Pro Tempore*

AFFIRMED

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

Bruce F. Peterson, Legal Advocate Phoenix
By Consuelo M. Ohanesian, Deputy Legal Advocate
Attorneys for Appellant

B A R K E R, Judge

¶1 Jared Daniel St. Clair ("St. Clair") appeals his conviction for one count of theft of a means of transportation, a class three felony. St. Clair was sentenced on March 18, 2010, to a twelve-year sentence based in part on his two prior historical felony convictions. He timely filed a notice of appeal on March 30, 2010. His counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising this court that after searching the entire record on appeal, he found no arguable question of law that is not frivolous. We granted St. Clair leave to file a supplemental brief *in propria persona* on or before February 7, 2011, and he did not do so.

Facts and Procedural History¹

¶2 On May 1, 2009, the victim in this case had his car stolen from a gas station. Two days later, while the victim was standing in front of the bar where he worked as a bouncer, he saw his truck being driven into the parking lot. The victim approached the truck and then jumped into the passenger seat to secure it. At that time, St. Clair, who had been driving the vehicle, was standing outside of the driver's side door. The

¹ We view the facts in the light most favorable to sustaining the court's judgment and resolve all inferences against St. Clair. *State v. Fontes*, 195 Ariz. 229, 230, ¶ 2, 986 P.2d 897, 898 (App. 1998); *State v. Moore*, 183 Ariz. 183, 186, 901 P.2d 1213, 1216 (App. 1995).

victim noticed St. Clair was wearing a football jersey that was in the truck when it was stolen. The victim, visibly upset and using profanity, asked St. Clair why he was in the truck and where his stuff was. St. Clair responded that he had rented the truck from someone for the weekend for \$70. During this time, seven or eight people exited from the bar. St. Clair started to back up and frantically look around at the people standing around him. He then tossed the keys to the truck and attempted to run away, but he tripped. After using physical force to stop St. Clair, the bar patrons and the cook from the bar secured him. When the group asked him about the truck, St. Clair initially said that the truck was not his. St. Clair later changed his story and told the group that he had purchased the truck for \$1500, although he did not know where he bought it, who he had bought it from, or what the seller looked like. While being detained by the bar's cook, St. Clair repeatedly stated that he could not believe what had happened and that he did not want to go to jail. After learning that someone had called the police, he offered the cook \$1500 to let him go. When the police arrived, St. Clair told the officer that he had rented the truck for the weekend for \$70. He claimed that the rental offer included permission to keep the football jersey that was in the truck.

¶13 St. Clair was later charged with one count of theft of a means of transportation, a class three felony. St. Clair was sentenced on March 18, 2010, and timely filed a notice of appeal on March 30, 2010. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031 (2001), and 13-4033(A) (2001). We are required to search the record for reversible error. Finding no such error, we affirm.

Disposition

¶14 We have reviewed the record and have found no meritorious grounds for reversal of St. Clair's conviction or for modification of the sentence imposed. See *Anders*, 386 U.S. at 744; *Leon*, 104 Ariz. at 300, 451 P.2d at 881. St. Clair was present at all critical stages of the proceedings and was represented by counsel. All proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure.

¶15 After the filing of this decision, counsel's obligations in this appeal have ended subject to the following. Counsel need do no more than inform St. Clair of the status of the appeal and St. Clair's 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, 684 P.2d 154, 156-57 (1984). St. Clair has thirty days from the date of this decision to

proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

/s/

DANIEL A. BARKER, Presiding Judge

CONCURRING:

/s/

MARGARET H. DOWNIE, Judge

/s/

MICHAEL J. BROWN, Judge