

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



DIVISION ONE
FILED: 11-16-2010
RUTH WILLINGHAM,
ACTING CLERK
BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 10-0284
)
Appellee,) DEPARTMENT C
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
BILLY RAY YOUNG,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-178226-001 DT

The Honorable Cari A. Harrison, Judge

AFFIRMED

Terry Goddard, Attorney General Phoenix
by Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
by Thomas Baird, Deputy Public Defender
Attorneys for Appellant

P O R T L E Y, Judge

¶1 This is 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 Defendant Billy Ray Young has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law, and has filed a brief requesting us to conduct an *Anders* review of the record. Defendant did not take the opportunity to file a supplemental brief.

FACTS¹

¶2 Defendant removed a screen from a slightly open living room window in the early morning hours of December 16, 2008. He was partway inside when he was scared off after being confronted by the armed homeowner. Defendant ran, and eventually fled in a small white car. Within a short time, the police located and stopped the car. The car was occupied by Defendant, his cousin, John Mesa, and Mesa's girlfriend, Helen Ahumada. Police conducted a "showup" and Defendant was subsequently identified by the homeowner.

¶3 Defendant was charged with second degree burglary, a class three felony. In addition to the homeowner and the officer who located and stopped the car, the investigating officer testified at trial that he noticed a shoeprint outside of the window whose tread pattern matched Defendant's muddy shoes.

¹ We review the facts in the light most favorable to sustaining the verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

¶4 Mesa testified on Defendant's behalf that he committed the crime while his girlfriend was asleep in the car, and Defendant was not present at the time of the incident. On cross examination, Mesa's story fell apart because he did not know certain crucial details. Ahumada, on the other hand, testified that she lied to the police when she told them Defendant was with her and Mesa during the burglary.

¶5 After being instructed and determining credibility, the jury convicted Young as charged. He was subsequently sentenced to 11.25 years in prison as a result of his prior felony convictions and being on release status. He was also given 206 days of presentence incarceration credit.

¶6 We have jurisdiction over this appeal 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, and -4033(A)(1) (2010).

DISCUSSION

¶7 We have read and considered counsel's brief, and have searched the entire record for reversible error. We find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Defendant was represented by counsel at all stages of the

proceedings, and the sentence imposed was within the statutory limits.

CONCLUSION

¶8 After this decision has been filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel need do no more than inform Defendant of the status of the appeal and Defendant'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, 585, 684 P.2d 154, 157 (1984). Defendant can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶9 Accordingly, we affirm Defendant's conviction and sentence.

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

MARGARET H. DOWNIE, Judge

/s/

PATRICIA A. OROZCO, Judge