

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: 06/21/2011
RUTH A. WILLINGHAM,
CLERK
BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 10-0623
)
Appellee,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
ROBERT WAYNE LAMB,) Arizona Supreme Court)
)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2009-030254-001 SE

The Honorable Michael W. Kemp, Judge

AFFIRMED

Thomas C. Horne, 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 Terry J. Reid, 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 Robert Wayne Lamb has advised us that, after searching the entire record, she 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 was given an opportunity to file a supplemental brief, and has not filed one.

FACTS¹

¶2 Tempe police received reports that a man was walking near downtown Tempe with a rifle on September 14, 2007. Officer Kelch was dispatched and saw Defendant carrying a hunting rifle. He stopped his car, got out, and three times ordered Defendant to drop the gun. Instead of complying, Defendant pointed the rifle at Officer Kelch. Fearing for his life, Officer Kelch fired twice and struck Defendant. Defendant put down the rifle after Officer Kelch's gun malfunctioned when he attempted to fire a third shot.

¶3 Defendant was treated at a local hospital, released six hours later, and immediately arrested. After having his *Miranda*² rights read to him, Defendant agreed to be interviewed. Defendant admitted pointing the rifle at Officer Kelch and stated that he wanted to "kill every goddamn cop in the state."

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).

² *Miranda v. Arizona*, 384 U.S. 436 (1966).

¶4 Defendant was subsequently indicted for aggravated assault, a class 2 dangerous felony. He was tried. The jury was given the proper instructions and determined that the State had met its burden of proof. As a result, Defendant was convicted as charged, and the jury determined that the offense was dangerous. Defendant was subsequently sentenced to an aggravated term of twelve years in prison with 823 days credit for time served, and a consecutive term of community supervision.

¶5 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

¶6 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

¶7 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 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, 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.

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

/s/

MAURICE PORTLEY, Judge

CONCURRING:

/s/

PETER B. SWANN, Presiding Judge

/s/

PATRICK IRVINE, Judge