

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. 31.34

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 10/06/2011
RUTH A. WILLINGHAM,
CLERK
BY: DLL

STATE OF ARIZONA,) No. 1 CA-CR 11-0174
)
Appellee,) DEPARTMENT A
)
v.) MEMORANDUM DECISION
)
JOHN ALLEN CROCE,) (Not for Publication -
) Rule 111, Rules of the
Appellant.) Arizona Supreme Court)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR 2004-005823-001 DT

The Honorable Jeffrey Rueter, *Judge Pro Tempore*

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 Spencer D. Heffel, Deputy Public Defender
Attorneys for Appellant

T I M M E R, Presiding Judge

¶1 John Allen Croce appeals the superior court's finding
that he violated the terms of his probation and its order

reinstating lifetime intensive probation and imposing a sentence of thirty days in jail. Croce's counsel filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000), *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), advising this court that after a search of the entire record on appeal, he found no arguable question of law that is not frivolous. This court granted Croce an opportunity to file a supplemental brief in propria persona, but he has not done so. We have jurisdiction to consider 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, 13-4033(A)(1) and (3) (2010). For the following reasons, we affirm.

DISCUSSION

¶2 We have read and considered counsel's brief and have searched the entire record for reversible error. *Leon*, 104 Ariz. at 300, 451 at 881. We find none. The record shows that Croce was represented by counsel at all stages of the proceedings and on appeal, and that the trial court afforded Croce all his rights under the constitution, our statutes, and the Arizona Rules of Criminal Procedure. Croce's disposition falls within the range prescribed by law. *Clark*, 196 Ariz. at 541, ¶ 50, 2 P.3d at 100.

CONCLUSION

¶3 After the filing of this decision, counsel's obligations pertaining to Croce's representation in this appeal have ended. Counsel need do no more than inform Croce of the status of the appeal and Croce's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Croce shall have thirty days from the date of this decision to proceed, if he desires, with an in propria persona motion for reconsideration or petition for review.

¶4 Accordingly, we affirm the superior court's finding and sentence.

/s/

Ann A. Scott Timmer, Presiding Judge

CONCURRING:

/s/

Daniel A. Barker, Judge

/s/

Patrick Irvine, Judge