

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



DIVISION ONE  
FILED: 12/15/2011  
RUTH A. WILLINGHAM,  
CLERK  
BY: DLL

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 11-0403  
)  
Appellee, ) DEPARTMENT A  
)  
v. ) MEMORANDUM DECISION  
)  
DAVID LANCE ALLEY, ) (Not for Publication -  
) Rule 111, Rules of the  
Appellant. ) Arizona Supreme Court)  
)

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Appeal from the Superior Court in Maricopa County

Cause No. CR 2006-031100-001 SE

The Honorable Jeffrey Rueter, Judge *Pro Tempore*

**AFFIRMED**

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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 Thomas Baird, Deputy Public Defender  
Attorneys for Appellant

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**T I M M E R**, Presiding Judge

¶1 David Lance Alley appeals the superior court's finding  
that he violated the terms of probation and its order

reinstating three years' probation and imposing a sentence of one month in jail. Alley'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 Alley 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. *State v. Leon*, 104 Ariz. 297, 300, 451 P.2d 878, 881 (1969). We find none. The record shows that Alley was represented by counsel at all stages of the probation revocation and disposition proceedings and on appeal, and that the trial court afforded Alley all his rights under the constitution, our statutes, and the Arizona Rules of Criminal Procedure. Alley'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 Alley's representation in this appeal have ended. Counsel need do no more than inform Alley of the status of the appeal and Alley'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). Alley 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 court's finding and sentence.

/s/  
\_\_\_\_\_  
Ann A. Scott Timmer, Presiding Judge

CONCURRING:

/s/  
\_\_\_\_\_  
Patrick Irvine, Judge

/s/  
\_\_\_\_\_  
Daniel A. Barker, Judge