IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

DANIEL JAMES MORAN,
Appellant.

No. 2 CA-CR 2014-0204
Filed July 29, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pinal County
No. S1100CR201301097
The Honorable Henry G. Gooday Jr., Judge

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Howard and Judge Brammer[1] concurred.

V Á S Q U E Z, Presiding Judge:

¶1 After a jury trial, Daniel Moran was convicted of attempted trafficking in stolen property and criminal damage. The trial court sentenced him to a mitigated, 2.5-year prison term for trafficking and time served for criminal damage. On appeal, Moran argues the court erred by denying his motion for a judgment of acquittal, his request for jury instructions on abandonment of property, and his motion to suppress his statements to law enforcement officers. For the reasons stated below, we affirm.

Factual and Procedural Background

¶2 We view the facts in the light most favorable to sustaining Moran's convictions. *See State v. Brown*, 233 Ariz. 153, ¶ 2, 310 P.3d 29, 32 (App. 2013). One morning in March 2011, as T.M. drove to work, he stopped to tend to a cow stuck in a cattle guard. As T.M. waited for the rancher who owned the cow to arrive, Moran drove up in a pickup truck with a trailer attached. The trailer was loaded with torches, winches, and pry bars. T.M. asked Moran what he was doing, and Moran replied that he was "scouting javelina." Because javelina season was over, he had recently "had things stolen," and he could see a "small chop shop in the back of [Moran's] truck," T.M. told Moran to "turn around and leave."

¶3 Several hours later, T.M. smelled something burning. He drove across the property and saw Moran "cutting up" a half-million dollar steel structure that T.M. described as a "furnace."

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[1]The Hon. J. William Brammer, Jr., a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and the supreme court.

T.M. called 9-1-1 to report a "theft in progress." Pinal County Sheriff's Deputies Hughey and Muszala were the first to respond. They met T.M. at the gated fence, and T.M. explained that his family had mining claims to the property and that the furnace belonged to him. The furnace was fenced off, and the property had a "No Trespassing" sign. T.M. used his key to unlock the gate, and the deputies drove to Moran's location.

¶4 As they approached, the deputies saw Moran "actively cutting [I-beams] with a lit torch." They also observed various "I-beams and cross members . . . lined up to be loaded onto [Moran's] trailer." Hughey asked Moran what he was doing, and Moran answered that he was "cutting the scrap metal." Hughey then asked what he was going to do with the metal, to which Moran replied he "was selling it to . . . a metal[] yard in the Phoenix area." Moran admitted he did not know whose property it was but thought it was state land. He also stated that he did not have permission from anyone to remove the metal. Moran subsequently was arrested.

¶5 A grand jury indicted Moran for attempted trafficking in stolen property in the first degree, theft, and criminal damage. The jury acquitted him of theft but found him guilty of the two other charges. The trial court sentenced him as described above. This appeal followed. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031, and 13-4033(A).

Motion for a Judgment of Acquittal

¶6 Moran contends the trial court erred by denying his motion for a judgment of acquittal for attempted trafficking in stolen property in the first degree. Pursuant to Rule 20(a), Ariz. R. Crim. P., "the court shall enter a judgment of acquittal . . . if there is no substantial evidence to warrant a conviction." "Substantial evidence is 'evidence that reasonable persons could accept as sufficient to support a guilty verdict beyond a reasonable doubt.'" *State v. Fimbres*, 222 Ariz. 293, ¶ 4, 213 P.3d 1020, 1024 (App. 2009), *quoting State v. Stroud*, 209 Ariz. 410, ¶ 6, 103 P.3d 912, 913-14 (2005). We will reverse a conviction "only if 'there is a complete absence of probative facts to support [the verdict].'" *State v. Carlisle*, 198 Ariz. 203, ¶ 11, 8 P.3d 391, 394 (App. 2000), *quoting State v. Mauro*, 159

Ariz. 186, 206, 766 P.2d 59, 79 (1988). We review the denial of a motion for a judgment of acquittal, as well as the sufficiency of the evidence to support a conviction, de novo. *State v. Harm*, 236 Ariz. 402, ¶ 11, 340 P.3d 1110, 1114 (App. 2015).

¶7 Section 13-2307(B), A.R.S., provides that "[a] person who knowingly initiates, organizes, plans, finances, directs, manages or supervises the theft and trafficking in the property of another that has been stolen is guilty of trafficking in stolen property in the first degree." In this context, "'[t]raffic' means to sell, transfer, distribute, dispense or otherwise dispose of stolen property to another person, or to buy, receive, possess or obtain control of stolen property, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the property to another person." A.R.S. § 13-2301(B)(3). In addition,

> A person commits attempt if, acting with the kind of culpability otherwise required for commission of an offense, such person:
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> 1. Intentionally engages in conduct which would constitute an offense if the attendant circumstances were as such person believes them to be; or
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> 2. Intentionally does or omits to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense[.]

A.R.S. § 13-1001(A).

¶8 Moran argues there was insufficient evidence to show "the property was stolen." However, as the state points out, "the offense of attempted trafficking in stolen property does not require such proof." *See State v. DiGiulio,* 172 Ariz. 156, 159, 835 P.2d 488, 491 (App. 1992) (defendant could be convicted of attempted trafficking if property "not stolen," but trafficking conviction "could

not stand"); *State v. Galan*, 134 Ariz. 590, 593, 658 P.2d 243, 246 (App. 1982) (describing trafficking offense with which defendant charged as one "the legislature has simply chosen to define as an attempt when the property is not actually stolen"); *cf. State v. Vitale,* 23 Ariz. App. 37, 43-44, 530 P.2d 394, 400-01 (1975) (substantive crime of receiving stolen property "cannot be committed unless the property is actually stolen," but legal impossibility does not bar attempt).

¶9 Moran nevertheless points to his acquittal of the theft charge to argue that "the jury found . . . the structure was not stolen." But Moran was charged with attempted trafficking, which does not require a completed offense, whereas a charge of theft does. *See Mejak v. Granville*, 212 Ariz. 555, ¶ 20, 136 P.3d 874, 878 (2006) ("An attempt is substantively different from a completed crime . . . ."). And, here, Moran was arrested before he had an opportunity to remove the property from the area. In any event, "[w]ell-settled Arizona law permits inconsistent verdicts." *Gusler v. Wilkinson*, 199 Ariz. 391, ¶ 25, 18 P.3d 702, 707 (2001).

¶10 Moreover, we disagree with Moran that "there [wa]s no testimony offering proof that [T.M.] actually owns the property."[2] *See* A.R.S. §§ 13-2301(B)(2) ("'Stolen property' means property of another . . . ."), 13-1801(A)(13) ("'Property of another' means property in which any person other than the defendant has an interest on which the defendant is not privileged to infringe . . . ."). At the time of the incident, T.M. reported to the deputies that the

[2]As part of this argument, Moran contends the prosecutor "broaden[ed] the indictment" by arguing in closing that the property had to belong to "any other person," not necessarily T.M. We think Moran has somewhat misconstrued the prosecutor's closing argument because he did assert the furnace belonged to T.M. But, in any event, Moran did not raise this argument below, forfeiting review for all but fundamental, prejudicial error. *See State v. Henderson*, 210 Ariz. 561, ¶¶ 19-20, 115 P.3d 601, 607 (2005). Because Moran does not argue the error is fundamental, and because we find no error that can be so characterized, he has waived the argument. *See State v. Moreno-Medrano*, 218 Ariz. 349, ¶ 17, 185 P.3d 135, 140 (App. 2008).

furnace was his. And, despite acknowledging that the state actually owned the land, T.M. unequivocally testified that "[w]hat is standing on that property belong[s] to [his] family." Notably, T.M. had a key to the gate blocking access to the furnace. Such evidence is sufficient to show the furnace belonged to T.M. Contrary to Moran's suggestion, the state was not required to present additional evidence verifying T.M.'s testimony. *See State v. Blevins*, 128 Ariz. 64, 67, 623 P.2d 853, 856 (App. 1981) (state not required "to negate every conceivable hypothesis of innocence").

¶11 Moran also asserts his comments to the deputies show he "believed [the furnace] was abandoned." He further contends evidence of that belief "negate[s]" the state's proof that he knew the property was stolen and knowingly was attempting to traffic it. We disagree.

¶12 Evidence admitted at trial established T.M. had signaled to Moran that the furnace was not abandoned. T.M. testified that, when he first encountered Moran, T.M. directed him to "turn around and leave." Referring to the "small chop shop in the back of [Moran's] truck," T.M. also told Moran, "It's obvious what you're up to." In addition, T.M. explained Moran had crossed a fence, which had a locked gate and a "No Trespassing" sign, before reaching the furnace.[3] This evidence counters Moran's purported belief that the furnace was abandoned, and the jury by its verdict accepted it. *See State v. Munoz,* 114 Ariz. 466, 469, 561 P.2d 1238, 1241 (App. 1976) (although victim's and defendant's versions of events conflicted, jury believed victim, and victim's testimony sufficient to support conviction); *see also State v. Williams,* 209 Ariz. 228, ¶ 6, 99 P.3d 43, 46 (App. 2004) ("Although the record contains some conflicting evidence, it was for the jury to weigh the evidence and determine the credibility of the witnesses.").

¶13 Moran also argues the trial court erred by denying his motion for a judgment of acquittal because "there was no proof of

[3]Evidence at trial showed there was also a "cowboy gate," which Hughey described as a "cut through the barbed wire" with two fence posts used to "move cattle."

corpus delicti." However, Moran did not present this argument below. *See State v. Lopez*, 217 Ariz. 433, ¶ 4, 175 P.3d 682, 683 (App. 2008) (general objection insufficient to preserve issue for appeal; objection on one ground does not preserve issue on other ground). He therefore has forfeited this issue absent fundamental, prejudicial error. *See State v. Henderson*, 210 Ariz. 561, ¶¶ 19-20, 115 P.3d 601, 607 (2005). Because Moran does not argue the error is fundamental, and because we find no error that can be so characterized, he has waived the argument. *See State v. Moreno-Medrano*, 218 Ariz. 349, ¶ 17, 185 P.3d 135, 140 (App. 2008).

¶14 In sum, the state presented sufficient evidence to support Moran's conviction for attempted trafficking in stolen property in the first degree. In addition to the evidence discussed above, T.M., Hughey, and Muszala all observed Moran actively cutting metal from T.M.'s furnace. Moran had other pieces of metal "lined up to be loaded onto [his] trailer." And, Moran told Hughey that "he was selling [the metal] to . . . a metal[] yard in the Phoenix area." The trial court therefore did not err by denying Moran's motion for a judgment of acquittal. *See Harm*, 236 Ariz. 402, ¶ 11, 340 P.3d at 1114.

Jury Instructions

¶15 Moran next contends the trial court erred by denying his request for jury instructions on abandonment of property.[4] We review a trial court's refusal to give jury instructions for an abuse of discretion. *State v. Lopez*, 209 Ariz. 58, ¶ 10, 97 P.3d 883, 885 (App. 2004).

[4]Moran also asserts the trial court erred by "not allowing testimony on abandonment." However, he does not explain what testimony the court excluded or offer any argument as to how it erred. He therefore has waived the argument. *See* Ariz. R. Crim. P. 31.13(c)(1)(vi) (appellant's brief shall contain argument); *State v. Carver*, 160 Ariz. 167, 175, 771 P.2d 1382, 1390 (1989) (opening brief must contain significant argument with authority; failure to do so constitutes abandonment and waiver).

¶16 Moran requested jury instructions mirroring the text of A.R.S. § 27-203.[5] That statute, which in part deals with the abandonment of mining claims, provides:

> A. The locator of a lode, placer or millsite claim shall:
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> 1. Cause to be recorded in the office of the county recorder of the county in which the claim is located an executed copy of the location notice to which notice shall be attached a map, plat or sketch of the claim, within ninety days from the time of the location. If the posted notice of location does not contain the section, township and range in which the notice is posted such information shall be added to the notice prior to recording pursuant to this section if the land has been surveyed. If the land has not been surveyed, the locator shall identify to the best of his ability the projected, protracted or extended section, township and range in which the notice of location of the claim is posted.
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> 2. Monument the claim on the ground within ninety days from the time of the location so that its boundaries can be readily traced.
>
> B. The map, plat or sketch required by subsection A shall be:
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> 1. In legible form and not more than eight and one-half inches by fourteen inches.

[5] Moran also requested jury instructions containing the language of A.R.S. §§ 27-208, 27-210. However, on appeal, he does not challenge the trial court's denial of those instructions.

2. On a scale of one inch equals not more than two thousand feet.

3. Based upon the performance of a survey performed commensurate with the abilities of the locator. It shall set forth the boundaries and position of the claim with such accuracy as would permit a reasonably knowledgeable person to find and identify the claim on the ground. The locator may show contiguous claims on the map, plat or sketch if the claim being located is clearly identified. Nothing contained in this section shall require a locator to employ a professional surveyor or engineer for the preparation of the map, plat or sketch required by this section.

C. The plat or map of any claim shall contain the following information:

1. The name of the claim.

2. Whether the claim is a lode, placer or millsite claim.

3. The locality of the claim with reference to the section, township and range in which the claim is located with a course and distance tie from a corner of the claim or contiguous group of claims to a monument of the public land survey if the land has been surveyed. If the land has not been surveyed, a corner of the claim or claim group shall be tied by course and distance to an established survey monument of a United States government agency or United States mineral monument. If no such monument can be found through the exercise of reasonable

diligence, the map shall show the course and distance from one corner of the claim or claim group to some prominent natural objects or other permanent monuments described on such map.

4. The scale of the map.

5. The county in which the claim is situated.

6. A north arrow.

7. The type of corner and location monuments used.

8. Bearing and distance between corners.

D. If the claim is a placer or millsite claim with exterior limits conforming to legal subdivisions of the public survey, the map, plat or sketch shall give the legal description of the claim instead of the requirements of paragraphs 3 and 8 of subsection C.

E. Failure to do all the things within the times and at the places specified in subsections A, B, C and D shall be an abandonment of the claim, and all right and claim of the locator shall be forfeited.

F. The county recorder shall keep proper indices of mine location notices and maps by the cadastral subdivisions of the United States bureau of land management or general land office. The county recorder shall receive the fees prescribed in [A.R.S.] § 11-475 for recording a mine location

> notice and map, plat or sketch appended to such notice.

¶17 Moran argued an instruction on the statute would inform the jury of the requirements to "claim [a mining] interest." He explained that T.M. had not complied with those requirements, resulting in him both forfeiting and abandoning his property interest. He stated that instructing the jury as to the entire statute was "appropriate" but suggested the language could be "par[ed] down." In response, the state asserted that both Moran's argument and the statute were unclear. The trial court denied Moran's request.

¶18 A defendant is entitled to an instruction "on any theory reasonably supported by the evidence." *State v. Martinez*, 196 Ariz. 451, ¶ 36, 999 P.2d 795, 804 (2000). However, a trial court may refuse an instruction if it is potentially misleading or confusing, in whole or in part. *See State v. Rivera*, 152 Ariz. 507, 517, 733 P.2d 1090, 1100 (1987); *State v. Mitchell*, 204 Ariz. 216, ¶ 22, 62 P.3d 616, 620 (App. 2003). No reversible error occurs if the jury instructions, when read as a whole, sufficiently set forth the applicable law. *State v. Barr*, 183 Ariz. 434, 442, 904 P.2d 1258, 1266 (App. 1995). And, "[t]he failure to give an instruction is not reversible error unless it is prejudicial to the defendant and the prejudice appears in the record." *State v. Rosas-Hernandez*, 202 Ariz. 212, ¶ 31, 42 P.3d 1177, 1185 (App. 2002).

¶19 Moran relies on *Morissette v. United States*, 187 F.2d 427 (6th Cir. 1951), *rev'd*, 342 U.S. 246 (1952), for the proposition that "[b]ased upon the lack of objection [from the owner] and the condition of the property, . . . property may be abandoned." In that case, Morissette collected and then sold spent casings from a government bombing range. *Morissette*, 187 F.2d at 428. He was convicted of knowingly converting to his own use property of the United States. *Id.* at 429. At trial, he admitted he knew the bomb casings were on government property but explained he thought they

had been abandoned. *Id.* at 428-29. Based on that testimony, however, *Morissette* is distinguishable.[6]

¶20 Here, Moran did not testify at trial. The evidence that he thought the furnace had been abandoned was minimal. T.M. testified that, in response to questioning by the deputies, Moran stated, "[the metal structure] didn't belong to anybody." As mentioned above, although T.M. testified that the state owned the land, he explained that the furnace belonged to him. Moran did not establish any connection between the ownership of the improvements on the land and the current validity of the mining claim. And the jury instruction was directed solely to the current validity of the claim. Additionally, the furnace was fenced off, and the property had a "No Trespassing" sign. Moran's investigator testified only that his investigation disclosed T.M. had no rights to the land; he offered no opinion on who owned the furnace or whether it had been abandoned. Thus, we cannot say Moran's abandonment theory was reasonably supported by the evidence. *See Martinez*, 196 Ariz. 451, ¶ 36, 999 P.2d at 804.

¶21 In addition, Moran acknowledged that the statute as a whole was "confusing." *See Rivera*, 152 Ariz. at 517, 733 P.2d at 1100. But he did not explain how the statute could be "par[ed] down" for use as jury instructions. *See Mitchell*, 204 Ariz. 216, ¶ 22, 62 P.3d at 620. And, the trial court correctly instructed the jury on the criminal offenses with which Moran was charged, the culpable mental states, and the state's burden of proof. *See Barr*, 183 Ariz. at 442, 904 P.2d at 1266. The court therefore did not err by denying Moran's proposed jury instructions. *See Lopez*, 209 Ariz. 58, ¶ 10, 97 P.3d at 885.

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[6]We also do not find *Morissette* helpful here because Moran relies on the dissent in that case, which has no precedential value, *see United States v. Ameline*, 409 F.3d 1073, 1083 n.5 (9th Cir. 2005), and we are not bound by case law from the federal circuit courts, *State v. Montano*, 206 Ariz. 296, n.1, 77 P.3d 1246, 1247 n.1 (2003).

Motion to Suppress

¶22 Moran last argues the trial court erred by denying his motion to suppress statements he made to the deputies before being advised of his *Miranda*[7] rights. In reviewing the denial of a motion to suppress, we view only the evidence presented at the suppression hearing and do so in the light most favorable to upholding the trial court's ruling. *State v. Wyman*, 197 Ariz. 10, ¶ 2, 3 P.3d 392, 394 (App. 2000). "We will not disturb the trial court's ruling on a motion to suppress absent a clear abuse of discretion." *State v. Spears*, 184 Ariz. 277, 284, 908 P.2d 1062, 1069 (1996). However, we review mixed questions of law and fact, as well as the trial court's ultimate legal conclusions, de novo. *Wyman*, 197 Ariz. 10, ¶ 5, 3 P.3d at 395.

¶23 Before trial, Moran filed a motion to suppress "all statements elicited from [him] by law enforcement." He argued his statements were both involuntary and in violation of *Miranda*. At the suppression hearing, both Hughey and Muszala testified. They explained that, after they had arrived at the scene in their separate vehicles, they approached Moran, asked him to turn off the torch, and inquired about what he was doing. Approximately "10 to 20 minutes" after their arrival, Deputy Parkhurst, the case officer, showed up. Hughey testified that, after Parkhurst "put the rest of the pieces of the puzzle together and completed his investigation," he arrested Moran and read him the *Miranda* warnings. The trial court denied the motion to suppress, finding Moran's statements were voluntary and the deputies' questioning "was the course of the initial investigation[]."

¶24 On appeal, Moran maintains "*Miranda* rights should have been read to [him] well before . . . Parkhurst arrived." He contends that, as soon as the deputies saw him cutting the I-beams and questioned him about what he was doing, "there [wa]s enough evidence . . . to effect an arrest; however, no arrest [was made] or *Miranda* rights were given." He asserts, "Had *Miranda* rights been

[7]*Miranda v. Arizona*, 384 U.S. 436 (1966).

given, [he] likely would have not made any statements and probably would have requested an attorney."[8]

¶25 A person is entitled to be advised of his rights pursuant to *Miranda* before being subjected to custodial interrogation. *Berkemer v. McCarty*, 468 U.S. 420, 434 (1984); *Miranda v. Arizona*, 384 U.S. 436, 444 (1966); *State v. Pettit*, 194 Ariz. 192, ¶ 13, 979 P.2d 5, 8 (App. 1998). "The test used to determine if a person is in custody . . . is whether the person's freedom of movement is restricted to the extent it would be tantamount to formal arrest." *State v. Spreitz*, 190 Ariz. 129, 143, 945 P.2d 1260, 1274 (1997); *see Berkemer*, 468 U.S. at 440. We consider "whether under the totality of the circumstances a reasonable person would feel that he was in custody or otherwise deprived of his freedom of action in a significant way." *State v. Carter*, 145 Ariz. 101, 105, 700 P.2d 488, 492 (1985). "'Factors indicative of custody include: (1) whether the objective indicia of arrest are present, (2) the site of the interrogation, (3) the length and form of the investigation, and (4) whether the investigation had focused on the accused.'" *Pettit*, 194 Ariz. 192, ¶ 13, 979 P.2d at 8, *quoting State v. Stanley*, 167 Ariz. 519, 523, 809 P.2d 944, 948, *cert. denied*, 502 U.S. 1014 (1991); *see also State v. Wright*, 161 Ariz. 394, 397 n.1, 778 P.2d 1290, 1293 n.1 (App. 1989) ("Arizona caselaw is inconsistent with respect to the relevance of [the fourth] factor," but "[i]n order to resolve any doubts in favor of [the] defendant, we have included that factor in our analysis.").

¶26 However, *Miranda* was "not intended to hamper the traditional function of police officers in investigating crime." *Miranda*, 384 U.S. at 477. Rather, *Miranda* warnings are meant to protect against "incommunicado interrogation of individuals in a police-dominated atmosphere." *Id.* at 445. Thus, "[g]eneral on-the-scene questioning" as part of the "fact-finding process" does not trigger the necessity for *Miranda* warnings. *Id.* at 477.

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[8]Although Moran cites case law discussing voluntariness, he does not reassert the voluntariness argument from his motion to suppress on appeal.

¶27 Here, the deputies approached Moran as he cut metal on a gated property in the middle of the day. They stood approximately "five to six feet" away from Moran and, in a "conversational" tone, asked him a few questions about what he was doing. Hughey described their interaction with Moran as "brief." Although they already had heard T.M.'s version of events and were trying to "confirm[]" his story, the deputies nonetheless said their interaction with Moran was part of their "initial investigation." *See State v. Hatton*, 116 Ariz. 142, 146, 568 P.2d 1040, 1044 (1977) ("That appellant was a suspect or that the investigation had focused on him when he was questioned does not alone establish custodial interrogation."). Notably, the deputies knew T.M. earlier that morning had told Moran to leave the property, something Moran denied, which necessitated further investigation.

¶28 Moran, however, suggests he was not free to leave, pointing to Hughey's testimony that, "if [Moran] would have tried to leave, [Hughey] would have had to not let that happen, just based on the fact [he] ha[d] to do [his] initial investigation." But, a police officer's unexpressed intent to detain an individual whom he is questioning does not demonstrate custodial interrogation. *State v. Morse*, 127 Ariz. 25, 29, 617 P.2d 1141, 1145 (1980); *see also Stansbury v. California,* 511 U.S. 318, 324 (1994) ("A police officer's subjective view that the individual under questioning is a suspect, if undisclosed, does not bear upon the question whether the individual is in custody for purposes of *Miranda.*").

¶29 Based on the totality of the circumstances, we conclude "the brief conversation in this case comes within the scope of 'general on-the-scene questioning' permissible under *Miranda* without the necessity of advising [Moran] of his rights." *State v. Bainch*, 109 Ariz. 77, 80, 505 P.2d 248, 251 (1973), *quoting Miranda*, 384 U.S. at 477. Therefore, the trial court did not err by denying Moran's motion to suppress. *See Wyman*, 197 Ariz. 10, ¶ 5, 3 P.3d at 395.

Disposition

¶30 For the reasons stated above, we affirm Moran's convictions and sentences.