

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

RICHARD WILLIAM SUMMERS,  
*Appellant.*

No. 2 CA-CR 2015-0207  
Filed May 4, 2016

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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NOT FOR PUBLICATION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.*

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Appeal from the Superior Court in Pinal County  
No. S1100CR201401445  
The Honorable Kevin D. White, Judge

**AFFIRMED**

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COUNSEL

Mark Brnovich, Arizona Attorney General  
Joseph T. Maziarz, Section Chief Counsel, Phoenix  
By Amy M. Thorson, Assistant Attorney General, Tucson  
*Counsel for Appellee*

Heard Law Firm, Mesa  
By James L. Heard  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Staring concurred.

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H O W A R D, Presiding Judge:

¶1 Appellant Richard Summers challenges the sufficiency of the evidence to support his convictions for luring a minor for sexual exploitation, sexual abuse, and multiple counts of sexual conduct with a minor. Summers has not established the evidence was insufficient and we therefore affirm.

¶2 In July 2014, Summers was indicted on twelve counts relating to his sexual abuse of his daughter E.S. when she was fifteen and seventeen years old. A jury found him guilty of luring a minor for sexual exploitation, sexual abuse, and seven counts of sexual conduct with a minor, but not guilty of sexual abuse and two counts of sexual conduct with a minor. The trial court sentenced him to aggravated, consecutive prison terms, totaling fifty-six years. The court suspended the imposition of sentence on the luring and sexual abuse counts, ordering Summers placed on concurrent, lifetime terms of probation upon his release from confinement.

¶3 On appeal, Summers contends the evidence was insufficient to support his convictions. He asserts that, because the jury found him not guilty on some of the charges and “[t]he evidence . . . was no different than that” presented on the charges of which he was convicted, those convictions should be reversed. And he maintains the “case is a classic example of ‘he said, she said,’” with “no physical evidence.”

¶4 But the charges on which the jury acquitted Summers arose from an incident separate from those for which he was convicted. And Summers cites no authority to support the proposition that a victim’s testimony is insufficient to support a conviction. *See* Ariz. R. Crim. P. 31.13(c)(1)(vi); *State v. Jerousek*, 121

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Ariz. 420, 427, 590 P.2d 1366, 1373 (1979) (“In child molestation cases, the defendant can be convicted on the uncorroborated testimony of the victim.”). Further, inconsistent or compromise jury verdicts are allowed. *State v. Lewis*, 222 Ariz. 321, ¶ 10, 214 P.3d 409, 413 (App. 2009). Summers’s argument is an invitation for this court to reweigh the evidence presented to the jury; that we will not do. *See State v. Lee*, 189 Ariz. 590, 603, 944 P.2d 1204, 1217 (1997); *see also State v. Ortiz*, 238 Ariz. 329, ¶ 2, 360 P.3d 125, 129 (App. 2015) (we view the facts in the light most favorable to affirming the verdicts). For these reasons, we affirm Summers’s convictions, sentences, and terms of probation.