

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

LACY J. VANDERKUR,
Appellant.

No. 2 CA-CR 2016-0419
Filed August 7, 2017

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NOT FOR PUBLICATION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 Pima County
No. CR20151295001
The Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

COUNSEL

The Hopkins Law Office, P.C., Tucson
By Cedric Martin Hopkins
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Howard¹ concurred.

V Á S Q U E Z, Presiding Judge:

¶1 Following a jury trial, appellant Lacy Vanderkuur was convicted of fraudulent scheme and artifice, eight counts of forgery, two counts of aggravated taking the identity of another, two counts of theft of a means of transportation, theft of a credit card, possession of a dangerous drug, and possession of drug paraphernalia. The trial court sentenced Vanderkuur to concurrent, minimum and presumptive sentences, the longest of which is fourteen years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *Smith v. Robbins*, 528 U.S. 259 (2000), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating he has “searched the record on appeal” and has been “unable to find any arguable question of law that is not frivolous.” He has asked us to search the record for error. Vanderkuur has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support the jury’s findings of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence at trial showed that on December 17, 2014, Vanderkuur was using a “jiggle key” to operate a stolen vehicle. In the vehicle, officers found more “jiggle keys” and a pry bar and a tweezer, along with “about 33 checks; 15 bank cards[;] . . . 18 different statements . . . from financial institutions; and then 18 other various

¹The Hon. Joseph W. Howard, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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pieces of mail, which may have been legal documents, or medical documents, or other items with a person's identity and personal information contained on it" belonging to "almost 100" victims.

¶4 On October 27, 2014, officers responded to a call regarding a different stolen vehicle. Inside that vehicle, which no longer had the original license plate and had been altered in an apparent attempt to disguise it, officers found bank card statements belonging to numerous victims and a credit card receipt in Vanderkuur's name for the purchase of the items used to alter the vehicle. The license plate belonging to that vehicle was found in the stolen vehicle Vanderkuur had been driving on December 17, 2014.

¶5 On March 27, 2015, an officer conducted a traffic stop on a "GMC truck" in which Vanderkuur was a passenger; the steering column had exposed wiring and the vehicle was being operated by a jiggle key; Vanderkuur's purse contained items that did not belong to her, including social security cards and "numerous pieces of mail." The purse also contained methamphetamine in a baggie. One victim testified that there had been approximately fourteen attempts to open credit cards in her name, some of them using Vanderkuur's address; two other victims ordered debit/bankcards that never arrived, one of which bore Vanderkuur's address and on which Vanderkuur had incurred charges; another victim testified that a check from his checkbook, that he did not write, was written to Vanderkuur. We further conclude the sentences imposed are within the statutory limit. See A.R.S. §§ 13-703, 13-1814(A)(1), 13-2002, 13-2009, 13-2102, 13-2310, 13-3407(A)(1), 13-3415.

¶6 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Vanderkuur's convictions and sentences.