

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. 31.24.

FILED BY CLERK
SEP 30 2009
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2008-0227
)	DEPARTMENT B
v.)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
IVAN DAVID RILEY,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20072736

Honorable Gus Aragón, Judge

AFFIRMED

Robert J. Hirsh, Pima County Public Defender
By Frank P. Leto

Tucson
Attorneys for Appellant

B R A M M E R, Judge.

¶1 Appellant Ivan Riley was convicted after a jury trial of arson of an occupied structure and six counts of endangerment, all dangerous offenses, and criminal damage in the

amount of \$10,000 or more. The trial court sentenced him to concurrent, presumptive terms of imprisonment, the longest of which was 10.5 years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *Clark*, counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Riley has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in July 2007, after an argument with his girlfriend, T., Riley had set a fire in her apartment. The fire not only caused damage in T.’s apartment but also in three neighboring apartments, endangering the lives of their occupants.

¶4 Substantial evidence supported findings of all the elements necessary for Riley’s convictions, *see* A.R.S. §§ 13-1201(B), 13-1602(A)(1), (B)(1), 13-1704, and his sentences are within the range authorized, *see* A.R.S. §§ 13-604(F), (I), 13-701(C)(3).¹ In

¹The provisions of Arizona’s criminal code were renumbered effective January 1, 2009. *See* 2008 Ariz. Sess. Laws, ch. 301, §§ 1-120. For consistency with trial court documents, we refer in this decision to the statutes as they were numbered when Riley committed these offenses and was sentenced rather than by their current section numbers.

our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. We therefore affirm Riley’s convictions and sentences.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

GARYE L. VÁSQUEZ, Judge