

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CARL HEATH ELZY,
Appellant.

No. 2 CA-CR 2013-0400
Filed April 11, 2014

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NOT FOR PUBLICATION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); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County

No. CR20130387001

The Honorable Jane L. Eikleberry, Judge

AFFIRMED

COUNSEL

Harriette P. Levitt, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Chief Judge Howard and Judge Miller concurred.

V Á S Q U E Z, Presiding Judge:

¶1 After a jury trial, appellant Carl Elzy was convicted of two counts of second-degree trafficking in stolen property. The trial court sentenced him to concurrent, mitigated prison terms of 7.5 years on each count.¹ Counsel has filed a brief on appeal in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has found no arguable issue to raise on appeal; she has requested that this court review the record for error. Elzy has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that on January 10, 2013, Elzy sold jewelry to a Tucson pawn shop, including a dolphin ring, that had recently been stolen from the victims' apartment. And four days later, on January 14, Elzy sold to another Tucson pawn shop a diamond wedding ring that belonged to one of the victims. There was sufficient evidence from which the jurors reasonably could find Elzy twice had sold property from another, recklessly disregarding the risk that the property had been stolen, thereby committing the offense of trafficking in stolen property in the second degree, in violation of A.R.S. § 13-2307(A).

¹Although the trial court erroneously referred to the sentences as "minimum terms," because it imposed the least number of years for class three felonies committed by a category three repetitive offender such as Elzy, these were actually the mitigated terms. See A.R.S. § 13-703(J).

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¶3 We find no error warranting reversal of the convictions. Additionally, the sentences, enhanced by two historical prior felony convictions, were within the statutory range and imposed in a lawful manner. *See* A.R.S. § 13-703(C), (J). We therefore affirm the convictions and the sentences imposed.