

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

MICHAEL RAY ANDERSON, *Appellant*.

No. 1 CA-CR 16-0641
FILED 7-6-2017

Appeal from the Superior Court in Mohave County
No. S8015CR201501175
The Honorable Steven F. Conn, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

Mohave County Legal Advocate's Office, Kingman
By Jill L. Evans, Aaron M. Demke
Counsel for Appellant

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MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Randall M. Howe and Judge Lawrence F. Winthrop joined.

T H O M P S O N, Judge:

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Michael Ray Anderson (defendant) have advised us that, after searching the entire record, they have been unable to discover any arguable questions of law and have filed a brief requesting this court to conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, but he has not done so.

¶2 In July 2015, a physical altercation took place at the Arizona State Prison in Kingman. Two inmates started to “swing on Inmate Cotton” after he was released back on the “yard”¹ from the detention unit. Detention Officer Cavanaugh removed Cotton from the yard, and a “gathering” of inmates formed outside the building. An officer went out to the yard and attempted to speak to the group, but they would not speak to him. The officers tried to get the group to back away, but they would not back away enough. When Officer Cavanaugh opened the door, the group rushed toward the East Shift Command Building and started beating the four officers outside the building.

¶3 Officer Puebla was one of the officers attacked after a group of inmates chased him towards a gate and caught up with him. The inmates repeatedly hit and stomped on Officer Puebla and sprayed him with his pepper spray. A case manager at the prison identified defendant as one of the participants in the assault on Officer Puebla. The case manager had previously had about five different face-to-face contacts with defendant, each lasting about ten minutes. The case manager testified that he saw defendant throwing punches and kicks towards Puebla in the chest and facial region, and kicking Puebla after he was in the fetal position. Officer Puebla had a hematoma to his left occipital scalp, bruising to his right

¹ The “yard” is the fenced-in area in front of and between the dorms.

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temporal scalp, swelling and bruising to his left ear, bruising to his right eye, bruising to his left shoulder, and contusions on his face, scalp and neck.

¶4 The state charged defendant with one count of participating in a riot, a class 2 felony, and one count of aggravated assault, a class 5 felony. After a bench trial, the trial court acquitted defendant of participating in a riot. The court found defendant guilty of aggravated assault and sentenced him to a presumptive sentence of 1.5 years in prison, with credit for fifty days of presentence incarceration.

¶5 We have read and considered defendant's *Anders* brief, and we have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶6 We affirm the conviction and sentence.



AMY M. WOOD • Clerk of the Court
FILED: AA