

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



DIVISION ONE  
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IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 09-0502  
)  
Appellee, ) DEPARTMENT C  
)  
v. ) **MEMORANDUM DECISION**  
)  
) (Not for Publication -  
TYVAN HUNTER, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)  
)

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Appeal from the Superior Court in Maricopa County

Cause No. CR2008-170804-001 DT

The Honorable Colleen L. French, Judge *Pro Tempore*

**AFFIRMED**

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Terry Goddard, Arizona Attorney General Phoenix  
By Kent E. Cattani, Chief Counsel  
Criminal Appeals/Capital Litigation Section  
Attorneys for Appellee

James Haas, Maricopa County Public Defender Phoenix  
By Thomas Baird, Deputy Public Defender  
Attorneys for Appellant

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**B R O W N**, Judge

¶1 Tyvan Hunter appeals his conviction and sentence for one count of armed robbery. Counsel for Hunter filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising that after searching the record on appeal, he was unable to find any arguable grounds for reversal and requests that this court search the record for fundamental error. Hunter was granted the opportunity to file a supplemental brief *in propria persona*, but has not done so.

¶2 Our obligation is to review the entire record for reversible error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the conviction and resolve all reasonable inferences against Hunter. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶3 Hunter was charged by indictment with one count of armed robbery, a class 2 dangerous felony, in violation of Arizona Revised Statutes ("A.R.S.") section 13-1904 (2010),<sup>1</sup> and one count of forgery, a class 4 felony, in violation of A.R.S. § 13-2002 (2010). The following evidence was presented at trial.

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<sup>1</sup> We cite the current version of the applicable statutes if no revisions material to this decision have since occurred.

¶14 In November 2008, a pizza delivery restaurant received an order for pizza, breadsticks, wings, sandwiches, and soda, which totaled approximately eighty dollars. The employee who delivered the food, E.M., encountered two men outside of a house waiting for the order. He handed them the food and in exchange received a one hundred dollar bill from one of the men. E.M. walked to his car to more fully examine the bill in the light because the bill felt like plastic. E.M. told the men he could not accept the money because it was counterfeit. One of them approached E.M. from behind, displayed a gun, and told E.M. to leave. E.M. returned the money, drove back to the restaurant, and called the police.

¶15 When police arrived at the house where the food had been delivered, they found that the home was vacant. The police then located Hunter, who matched the suspect's description, at a nearby home. They also located torn-up pizza and chicken wing boxes at another home in the area. The boxes contained a receipt that listed the address where E.M. had delivered the pizzas. E.M. later identified Hunter as the man who handed him the one hundred dollar bill. Police found two one hundred dollar bills on Hunter's person, and both bills were later found to be counterfeit. Hunter admitted to police that he handed a one hundred dollar bill to E.M. but he claimed his friend was the one who "pulled the gun."

¶16 Following a three-day trial, the jury found Hunter guilty of armed robbery but not guilty of forgery. The trial court sentenced Hunter to seven years imprisonment with 223 days of presentence incarceration credit. He timely appealed.

¶17 We have read and considered counsel's brief and have reviewed 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 accordance with the Arizona Rules of Criminal Procedure. The record shows that Hunter was present and represented by counsel at all pertinent stages of the proceedings, he was afforded the opportunity to speak before sentencing, the evidence was sufficient to sustain the verdict, and the sentence imposed was within statutory limits.

¶18 Upon the filing of this decision, counsel shall inform Hunter of the status of the appeal and his options. Defense counsel has no further obligations, unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Hunter has thirty days from the date of this decision to proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

¶9 Accordingly, we affirm Hunter's convictions and sentences.

/s/

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MICHAEL J. BROWN, Judge

CONCURRING:

/s/

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PATRICK IRVINE, Presiding Judge

/s/

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DONN KESSLER, Judge