

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
FILED: 01/24/2012
RUTH A. WILLINGHAM,
CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) No. 1 CA-CR 11-0439
)
Appellee,) DEPARTMENT D
)
v.) **MEMORANDUM DECISION**
)
ADRIAN CHAVEZ GARCIA,) (Not for Publication -
) Rule 111, Rules of the
Appellant.) Arizona Supreme Court)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2010-131284-001DT

The Honorable James T. Blomo, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

Maricopa County Public Defender's Office Phoenix
By Joel M. Glynn, Deputy Public Defender
Attorneys for Appellant

G E M M I L L, Judge

¶1 Adrian Garcia appeals from his conviction for one
count of resisting arrest, a class 6 undesignated felony, and

the imposition of two years of supervised probation. Garcia's counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that he has searched the record and found no arguable question of law and requesting that this court examine the record for reversible error. Garcia was afforded the opportunity to file a *pro se* supplemental brief but did not do so. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶12 "We view the facts and all reasonable inferences therefrom in the light most favorable to sustaining the convictions." *State v. Powers*, 200 Ariz. 123, 124, ¶ 2, 23 P.3d 668, 669 (App. 2001).

¶13 On June 15, 2010, two officers responded to an emergency call sending them to the Garcia residence. The officers were told by dispatch that a person had blood on their shirt at the home. When the officers arrived they knocked on the front door of the home. Lillian Garcia, Garcia's mother, answered the door. The officers testified that Lillian told them that she had a verbal altercation with her son but everything was fine now. She told the officers that her son is bipolar. The officers replied that it was their duty and responsibility to make a welfare check, to make sure everyone

and everything is okay, and therefore they needed to speak with her son. Lillian told the officers that her son was in the backyard on the couch and that she would go speak with him and retrieve him. It is disputed whether the officers entered the backyard through a gate with Lillian's permission or whether they did so on their own accord.

¶14 Once in the backyard, the officers announced their presence and addressed Garcia, but he ran for the sliding glass door of the house. The officers chased Garcia and according to the police officers, Garcia threw a pool chair striking one of the officers. The officers, after a struggle, arrested Garcia for assaulting an officer.

¶15 Garcia was charged by information with aggravated assault and resisting arrest. The jury convicted Garcia of one count of resisting arrest,¹ and the trial court suspended imposition of sentence and imposed two years of supervised probation.

¶16 Garcia timely appeals and we have jurisdiction pursuant to the Arizona Constitution Article 6, Section 9, and Arizona Revised Statutes ("A.R.S.") sections 12-120.21 (2003),

¹ After deliberation, the jury was unable to decide the aggravated assault count. A mistrial was granted on the aggravated assault charge, and the charge was later dismissed.

13-4031 (2010), and 13-4033 (2010).²

DISCUSSION

¶17 Having considered defense counsel's brief and examined the record for reversible error, *see Leon*, 104 Ariz. at 300, 451 P.2d at 881, we find none. The sentence imposed falls within the range permitted by law, and the evidence presented supports the conviction. As far as the record reveals, Garcia was represented by counsel at all stages of the proceedings, and these proceedings were conducted in compliance with his constitutional and statutory rights and the Arizona Rules of Criminal Procedure.

¶18 Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), counsel's obligations in this appeal have ended. Counsel need do no more than inform Garcia of the disposition of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. Garcia has thirty days from the date of this decision in which to proceed, if he desires, with a *pro se* motion for reconsideration or petition for review.

² We cite to the current versions of statutes when no revisions material to this decision have occurred since the date of the alleged offense(s).

CONCLUSION

¶19 The conviction and sentence are affirmed.

_____/s/_____
JOHN C. GEMMILL, Judge

CONCURRING:

_____/s/_____
JON W. THOMPSON, Presiding Judge

_____/s/_____
MAURICE PORTLEY, Judge