

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

MARK ANTHONY HERNANDEZ,
Appellant.

No. 2 CA-CR 2014-0142
Filed October 8, 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NOT FOR PUBLICATION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. CR20132478001
The Honorable Richard D. Nichols, Judge

AFFIRMED

COUNSEL

Lori J. Lefferts, Pima County Public Defender
By Erin K. Sutherland, Assistant Public Defender, Tucson
Counsel for Appellant

STATE v. HERNANDEZ
Decision of the Court

MEMORANDUM DECISION

Judge Howard authored the decision of the Court, in which Judge Vásquez and Judge Brammer¹ concurred.

H O W A R D, Judge:

¶1 Following a jury trial, appellant Mark Hernandez was convicted of second-degree burglary, a class three felony. The trial court placed Hernandez on probation for a period of three years and ordered him to pay restitution in the amount of \$5,731.82. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and has asked this court to search the record for error. Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and we conclude it supports counsel’s recitation of the facts. Hernandez has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in October 2012, the victim returned home to find a screen missing from her front window, her house “disheveled,” and over \$6,000 worth of items missing from her home, including her mother’s wedding dress, a camera, several musical instruments, a ring, and medication. Fingerprints found on the victim’s television set matched Hernandez’s fingerprints. Neither the victim nor her husband knew Hernandez, nor had he performed any work on televisions or had

¹The Hon. J. William Brammer, Jr., a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and the supreme court.

STATE v. HERNANDEZ
Decision of the Court

any reason to be in the victim's home. We conclude substantial evidence supported findings of the elements necessary for Hernandez's conviction, *see* A.R.S. § 13-1507(A), and the probation imposed is an authorized disposition, *see* A.R.S. § 13-902(A)(2).

¶3 Pursuant to our obligation under *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Therefore, we affirm Hernandez's conviction and disposition.