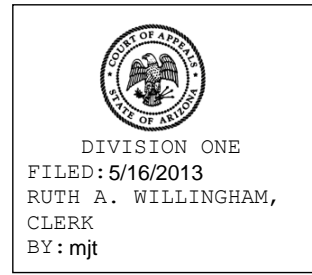


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) No. 1 CA-CR 12-0686
)
Appellee,) DEPARTMENT C
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
MICHAEL ANDREW CZAHARA,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
_____)

Appeal from the Superior Court in Yavapai County

Cause No. V1300CR201180279

The Honorable Jennifer B. Campbell, Judge

AFFIRMED

Thomas C. Horne, Arizona Attorney General Phoenix
By Joseph T. Maziarz, Chief Counsel
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

David Goldberg, Esq. Fort Collins, CO
By David Goldberg
Attorney for Appellant

B R O W N, Judge

¶1 Michael Andrew Czahara appeals his convictions and sentences for aggravated assault and disorderly conduct. Counsel for Czahara 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. Czahara was granted the opportunity to file a supplemental brief in *propria persona*, but he 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 Czahara. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶3 In June 2011, the State charged Czahara with one count of aggravated assault by using a dangerous instrument, a class 3 felony in violation of Arizona Revised Statutes ("A.R.S.") section 13-1204(A)(2) (2013),¹ and two counts of disorderly conduct, class 1 misdemeanors in violation of A.R.S. § 13-2904 (2013). The following evidence was presented at trial.

¶4 M.F. was walking her dogs in her neighborhood and stopped to speak with a neighbor, C.T. During the conversation, M.F. looked down the street and noticed an oncoming car traveling directly towards where M.F. and C.T. were standing.

¹ Absent material revisions after the relevant date, we cite a statute's current version.

Because the car was quickly approaching, M.F. froze in place and C.T. darted across the street to avoid the vehicle. The car stopped short of striking M.F., but she could see that Czahara was driving the vehicle. M.F. was scared that the vehicle was going to strike her and she was "not ready to die yet." After stopping, Czahara attempted to back his vehicle into a driveway, but was repeatedly obstructed by a large rock. Czahara then exited his vehicle and yelled out, "Wait until you see what happens next." M.F. then finished walking her dogs around the block and returned home. Once inside her house, M.F. saw Czahara standing in front of her home yelling and screaming and she called 9-1-1.

¶15 C.T. was working in her front yard when she saw M.F. walking her dogs and the two began talking. While speaking with M.F., C.T. noticed Czahara driving quickly down the street and then saw that his vehicle was pointed towards them. As Czahara approached, C.T. ran across the street because she was scared of being hit by the vehicle. C.T. then saw Czahara stop his vehicle within a few feet of M.F. and attempt to back into a driveway. When Czahara exited his vehicle, C.T. heard him yell, "Just wait until you see what happens next."

¶16 A sheriff's deputy responded to a dispatch directing him to the street where M.F. lived. As he approached the area, the deputy attempted to pull over a vehicle that matched the

description from the dispatch. The car he was following sped up to approximately 50 miles-per-hour but soon came to an abrupt stop. Czahara, who was visibly agitated and initially refused to comply with the deputy's instructions, exited the vehicle and was eventually placed under arrest.

¶17 A jury found Czahara guilty of aggravated assault by using a dangerous instrument and one count of disorderly conduct but acquitted him on the other count. At sentencing, the court heard statements from both M.F. and Czahara and determined that a slightly mitigated sentence of 6.5 years' imprisonment for aggravated assault was appropriate. The court sentenced Czahara to time served for the disorderly conduct conviction.

¶18 We have searched the entire record for reversible error and find none. All of the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The record shows Defendant was present and represented by counsel at all pertinent stages of the proceedings, was afforded the opportunity to speak before sentencing, and the sentence imposed was within statutory limits. Based on the foregoing, we affirm Czahara's convictions and sentences.

¶19 Upon the filing of this decision, counsel shall inform Czahara 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). Czahara shall have thirty days from the date of this decision to proceed, if he so desires, with a *pro per* motion for reconsideration or petition for review.

_____/s/_____
MICHAEL J. BROWN, Judge

CONCURRING:

_____/s/_____
SAMUEL A. THUMMA, Presiding Judge

_____/s/_____
DIANE M. JOHNSEN, Judge