

NOTICE: NOT FOR PUBLICATION.  
UNDER ARIZ. R. SUP. CT. 111(c), THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

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

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STATE OF ARIZONA, *Appellee*,

*v.*

CHRISTOPHER MICHAEL CARTIER, *Appellant*.

No. 1 CA-CR 13-0099  
FILED 06-24-2014

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Appeal from the Superior Court in Yuma County  
No. S1400CR201100120  
The Honorable John Neff Nelson, Judge

**AFFIRMED**

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COUNSEL

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

Sharmila Roy, Attorney at Law, Laveen  
By Sharmila Roy  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Randall M. Howe delivered the decision of the Court, in which Presiding Judge Samuel A. Thumma and Judge John C. Gemmill joined.

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**H O W E**, Judge:

¶1 This appeal is filed in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Defense counsel for Christopher Michael Cartier has searched the record, found no arguable question of law, and requested this Court to review the record for fundamental error. *State v. Richardson*, 175 Ariz. 336, 339, 857 P.2d 388, 391 (App. 1993). Cartier was given the opportunity to file a supplemental brief in propia persona. He has not done so. After reviewing the record, we affirm Cartier's convictions and sentences for attempted first degree murder, aggravated assault, aggravated harassment, and two counts of attempted aggravated assault.

**FACTS<sup>1</sup> AND PROCEDURAL HISTORY**

¶2 John Riesland and his wife knew Cartier for some time, but Cartier was not welcome in their home. In January 2011, Riesland received a phone call from his wife asking him to return home because Cartier was standing outside and would not leave. Upon returning home, Riesland saw Cartier's pickup parked in the driveway and Cartier standing nearby. Riesland asked Cartier to leave three times before Cartier did so. Riesland subsequently obtained an order of protection against Cartier.

¶3 On January 12, 2011, at approximately 6:30 a.m., Riesland woke up to the sound of a gunshot. Discovering a bullet hole in his living room window and Cartier's pickup headlights shining into his home, Riesland instructed his wife to dial 911 and hide in the closet. As Riesland

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<sup>1</sup> This Court views the evidence in the light most favorable to sustaining the convictions and resolves all reasonable inferences against the defendant. *State v. Karr*, 221 Ariz. 319, 320 ¶ 2, 212 P.3d 11, 12 (App. 2008). This Court also resolves any conflict in the evidence in favor of sustaining the verdicts. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

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turned on the outside lights, two additional shots were fired in the house. Observing Cartier's pickup drive away, Riesland followed Cartier to "keep track of where he was." When Riesland learned that law enforcement contacted Cartier, Riesland returned home.

¶4 Cartier was later arrested and charged with two counts of attempted first-degree murder, (counts 1-2), class 2 felonies; two counts of aggravated assault (counts 3-4), class 3 felonies; two counts attempted aggravated assault (counts 5-6), class 4 felonies; one count of drive by shooting (count 7), a class two felony; one count of aggravated harassment (count 8), a class six felony. The State also alleged one historical felony conviction and several aggravating circumstances.

¶5 Before trial, Cartier's counsel moved for a determination of Cartier's competency pursuant to Rule 11 of the Arizona Rules of Criminal Procedure. The court found Cartier competent based on the reports of the medical professionals who examined him.

¶6 Cartier then moved to substitute counsel, arguing that he had an irreconcilable conflict with his attorney and wanted the court to appoint new counsel. Cartier's counsel moved for a full Rule 11 evaluation in November 2011. The court denied Cartier's request for new counsel, but ordered a reevaluation of Cartier's competency, finding that Cartier's statements surrounding his motion for new counsel to be delusional and irrational. After an evidentiary hearing, the court found Cartier incompetent to stand trial subject to restoration.

¶7 Cartier participated in the Yuma County Restoration to Competency Program, after which the court found him competent to stand trial. After trial, the jury convicted Cartier on all charges except the charge for drive-by shooting. The jury also found two aggravating circumstances, property damage and emotional harm to the victims.

¶8 The trial court conducted the sentencing hearing in compliance with Cartier's constitutional rights and Rule 26 of the Arizona Rules of Criminal Procedure. The trial court sentenced Cartier to consecutive, aggravated sentences of 18 years for each count of attempted first degree murder; concurrent sentences of 7.5 years for each aggravated assault charge; concurrent sentences of 6 years for each attempted aggravated assault charge; 1-year concurrent sentence for the aggravated harassment charge; and gave Cartier credit for 751 days of presentence incarceration.

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**DISCUSSION**

¶9 We review Cartier's convictions and sentences for fundamental error. *See State v. Gendron*, 168 Ariz. 153, 155, 812 P.2d 626, 628 (1991).

¶10 Counsel for Cartier has advised this Court that after a diligent search of the entire record, she has found no arguable question of law. We have read and considered counsel's brief and fully reviewed the 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. So far as the record reveals, Cartier was represented by counsel at all stages of the proceedings and the sentence imposed was within the statutory limits. We decline to order briefing and we affirm Cartier's convictions and sentences.

¶11 Upon the filing of this decision, defense counsel shall inform Cartier of the status of his appeal and of his future 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). Cartier shall have thirty days from the date of this decision to proceed, if he desires, with a pro per motion for reconsideration or petition for review. On the Court's own motion, we extend the time for Cartier to file a pro per motion for reconsideration to thirty days from the date of this decision.

**CONCLUSION**

¶12 For the foregoing reasons, we affirm.



Ruth A. Willingham · Clerk of the Court  
FILED: gsh