

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

GLENN WESLEY INMAN, *Appellant*.

Nos. 1 CA-CR 16-0706
1 CA-CR 16-0719
(Consolidated)
FILED 3-22-2018

Appeal from the Superior Court in Maricopa County

Nos. CR2016-104100-001

CR2014-145624-001

The Honorable Christine E. Mulleneaux, Judge *Pro Tempore*

AFFIRMED

COUNSEL

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

Maricopa County Public Defender's Office, Phoenix
By Paul J. Prato
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Randall M. Howe delivered the decision of the Court, in which Judge Lawrence F. Winthrop and Judge Jon W. Thompson joined.

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 (1969). Counsel for Glenn Wesley Inman has advised this Court that counsel found no arguable questions of law and asks us to search the record for fundamental error. Inman was convicted of aggravated assault, a class 3 felony, and resisting arrest, a class 6 felony. Afterwards, Inman’s probation for his prior robbery conviction was revoked and the court sentenced him to a mitigated one-year prison sentence. Inman was given an opportunity to file a supplemental brief in propria persona; he has not done so. After reviewing the record, we affirm Inman’s convictions and sentences.

FACTS AND PROCEDURAL HISTORY

¶2 We view the facts in the light most favorable to sustaining the judgment and resolve all reasonable inferences against Inman. *See State v. Fontes*, 195 Ariz. 229, 230 ¶ 2 (App. 1998). In February 2015, Inman pled guilty to robbery, a class 4 felony, and the trial court placed him on probation for two years. In January 2016, police officers questioned Inman about a fight that took place at a Scottsdale restaurant. When Officer Halterman asked Inman for identification, Inman stated that he did not have his ID card with him and provided Officer Halterman with an incorrect spelling of his last name. Inman also told Officer Halterman that his date of birth was May 20, 1994, although that date was also incorrect. After Officer Halterman was unable to obtain Inman’s record with the incorrect spelling and date of birth, the officer informed Inman that providing false information to an officer was a crime but Inman again provided the incorrect information. Officer Halterman gave Inman the “benefit of the doubt” that he was telling the truth and allowed Inman to leave.

¶3 Later that evening, Officer Halterman discovered Inman’s information in another database, which contained the correct spelling of Inman’s name and a May 20, 1996 date of birth. The next day, Officer

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Halterman contacted Inman's probation officer ("PO") and explained that he had probable cause to arrest Inman for false reporting. After hearing the details of the previous night's occurrence, the PO informed Officer Halterman that Inman had violated a probation term by being at the restaurant. Officer Halterman and the PO decided that Officer Halterman and his partner would accompany the PO to Inman's house later that evening so that Officer Halterman could arrest Inman.

¶4 Officers Halterman and Parwa met the PO outside of Inman's apartment complex. The group determined that because Inman lived on the second level, the PO would have Inman come out to the PO's car and the officers would remain out of sight until Inman got to the ground level. The group then went to the apartment complex. As the PO returned downstairs with Inman, Inman stated that "I hope there's not any cops down there or I'm going to knock them out." When Inman got to the bottom of the stairs, Officer Halterman said, "police, you are under arrest." Officer Halterman grabbed Inman's arm to arrest him, but Inman tensed up, pulled away, and started twisting to escape the officer's grasp. Officer Parwa ran over from his position to help subdue Inman, but Inman continued twisting and pulling away from the officers. As the officers wrestled with Inman, they commanded him to stop resisting and told him he was under arrest. Inman continued pulling, pushing, twisting, and trying to escape from the officers.

¶5 The officers continued to struggle with Inman, and after Officer Halterman attempted a takedown maneuver, the group fell. As the group fell, Inman grabbed Officer Parwa's head and kned his face, fracturing the officer's nose. Officer Halterman saw that Officer Parwa's face was covered in blood and that Inman was "going towards [Officer Parwa] in an aggressive manner." Consequently, Officer Halterman tased Inman. Inman then complied with the officers' request to put his hands behind his back and Officer Parwa handcuffed Inman. As the officers transported Inman to jail, Inman stated that he was sorry and that he was scared and did not know what to do.

¶6 The State charged Inman with two counts of aggravated assault—one count for each officer—and with resisting arrest. After trial, the jury found Inman guilty of aggravated assault against Officer Parwa and resisting arrest. The jury also found as an aggravating circumstance that Inman was on felony probation at the time of the offense. The trial court then found that because of the guilty verdicts against Inman, he had violated his probation. The court then set a disposition hearing on the probation violation for the same time as sentencing in the jury trial case.

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¶7 The trial court conducted the sentencing hearing in compliance with Inman's constitutional rights and Arizona Rule of Criminal Procedure 26. The court sentenced Inman to concurrent presumptive terms of 6.5 years' imprisonment on the aggravated assault conviction and 1.75 years' imprisonment on the resisting arrest conviction with 240 days' presentence incarceration credit. Regarding Inman's disposition hearing for violating probation, the court revoked probation and sentenced Inman to a mitigated one-year prison sentence, which the court ordered to be served consecutive to the aggravated assault and resisting arrest convictions. The court ordered that any unpaid fines and fees in Inman's probation case be reduced to a civil judgment.

DISCUSSION

¶8 We review Inman's convictions and sentences for fundamental error. *See State v. Flores*, 227 Ariz. 509, 512 ¶ 12 (App. 2011). Counsel for Inman has advised this Court that after a diligent search of the entire record, counsel 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, and find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, counsel represented Inman at all stages of the proceedings, and the sentences imposed were within the statutory guidelines. We decline to order briefing and affirm Inman's convictions and sentences.

¶9 Upon the filing of this decision, defense counsel shall inform Inman of the status of the appeal and of his future options. 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 (1984). Inman shall have 30 days from the date of this decision to proceed, if he desires, with a pro per motion for reconsideration or petition for review.

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CONCLUSION

¶10 For the foregoing reasons, we affirm.



AMY M. WOOD • Clerk of the Court
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