

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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.

STEVEN BRADLEY CARLISLE, *Appellant*.

No. 1 CA-CR 17-0165
FILED 3-29-2018

Appeal from the Superior Court in Maricopa County
No. CR2016-11730-001
The Honorable John Christian Rea, Judge

AFFIRMED

COUNSEL

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

Maricopa County Public Defender's Office, Phoenix
By Jesse Finn Turner
Counsel for Appellant

MEMORANDUM DECISION

Judge David D. Weinzweig delivered the decision of the Court, in which Presiding Judge Michael J. Brown and Judge Maria Elena Cruz joined.

WEINZWEIG, Judge:

¶1 Steven Bradley Carlisle appeals his conviction of resisting arrest and resulting sentence. We received a brief from Carlisle’s counsel in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), certifying that he diligently searched the record and found no arguable question of law that was not frivolous. Carlisle had the opportunity to file a supplemental brief, but did not. Counsel asks this Court to search the record for reversible error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999). After reviewing the record, we affirm Carlisle’s conviction and sentence.

FACTS AND PROCEDURAL BACKGROUND

¶2 A Glendale police officer responded to a trespassing call at Westgate Entertainment District in April 2016. When he arrived, a security guard reported that Carlisle had refused to leave the property despite multiple requests. The officer approached Carlisle, who was sitting on a bench with his legs crossed and fists balled. The officer introduced himself and asked for identification.

¶3 Carlisle said nothing. He then began to stand up. The officer commanded him to stay seated but Carlisle did not comply. The officer used a control hold to gain compliance, putting Carlisle’s arm in a wrist lock. Carlisle’s other arm remained free and he swung it toward the officer’s head multiple times.

¶4 The parties eventually went to the ground, where they continued to struggle. At that point the Westgate security guard intervened, sitting on Carlisle’s legs to prevent him from kicking. Even then, Carlisle continued to struggle. Only after another officer arrived did they successfully place Carlisle in handcuffs and take him into custody.

¶5 Carlisle was charged with aggravated assault, a class 5 felony, and resisting arrest, a class 6 felony. The jury found Carlisle guilty of

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resisting arrest but could not agree on the aggravated assault count. The court designated the resisting arrest count as a class 1 misdemeanor and sentenced Carlisle to six months' incarceration, which amounted to time-served because Carlisle had spent 308 days in presentence incarceration. The court also dismissed the aggravated assault count without prejudice. Carlisle timely appealed.

DISCUSSION

¶6 We have read and considered counsel's brief and have reviewed the record for reversible error. *See Leon*, 104 Ariz. at 300. We find none.

¶7 Carlisle was present and represented by counsel at all stages of the proceedings against him. The record reflects that the superior court afforded Carlisle all his constitutional and statutory rights, and the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The court conducted appropriate pretrial hearings. The evidence presented at trial and summarized above was sufficient to support the jury's verdict. Carlisle's sentence falls within the range prescribed by law, with proper credit given for presentence incarceration.

CONCLUSION

¶8 Carlisle's conviction and sentence are affirmed. Unless defense counsel identifies an appropriate basis to petition the Arizona Supreme Court for review, counsel's representation of Carlisle will end once counsel informs Carlisle of the outcome of this appeal and his future options. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). On the Court's own motion, Carlisle has 30 days from the date of this decision to proceed, if he desires, with a *pro se* motion for reconsideration or petition for review.



AMY M. WOOD • Clerk of the Court
FILED: AA