

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



DIVISION ONE
FILED: 09/22/2011
RUTH A. WILLINGHAM,
CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,)
)
 Appellee,)
)
 v.)
)
 DAVID JASON HARPER,)
)
 Appellant.)
)

No. 1 CA-CR 10-0923
DEPARTMENT A
MEMORANDUM DECISION
(Not for Publication-
Rule 111, Rules of the
Arizona Supreme Court)

Appeal from the Superior Court of Maricopa County

Cause No. CR2009-148071-001 DT

The Honorable Janet E. Barton, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Thomas Baird, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz.

297, 451 P.2d 878 (1969). Counsel for David Jason Harper (defendant) has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has not done so.

¶2 Around 7 a.m. on July 17, 2009, defendant's estranged wife called 911 to request assistance removing defendant from the house. Shortly after, an officer arrived in a marked police vehicle wearing a police uniform. The officer and defendant's wife found defendant in the master bedroom. Defendant stated that he had a knife. Defendant then took a kitchen knife out of his pocket and held it up in the air while approaching the officer. The officer drew his weapon and backed down the hallway asking defendant to drop the knife. The officer feared defendant would rush him. Defendant stopped about ten feet from the officer, still holding the knife.

¶3 While the officer and defendant faced each other, the officer radioed for backup to arrive quickly. After about four minutes, defendant put the knife down. Defendant surrendered after two more officers arrived.

¶4 During the confrontation, defendant's wife exited to a different room to comfort her children. Defendant's wife confirmed to an officer that her peace had been disturbed.

¶5 Defendant was charged with one count of aggravated assault of a police officer, a class 2 dangerous felony, one count of disorderly conduct, a class 6 dangerous felony and a domestic violence offense, and one count of first degree criminal trespass, a class 6 felony, also a domestic violence offense. After a jury trial, defendant was convicted of one count of aggravated assault, a class 2 dangerous felony, and one count of disorderly conduct, a class 6 dangerous felony and domestic violence offense. The trial court sentenced defendant to concurrent sentences of 10.5 years in prison for the aggravated assault conviction and 2.25 years in prison for the disorderly conduct conviction. Defendant received 100 days of presentence incarceration credit. Defendant appealed after the trial court allowed him to file a delayed notice of appeal.

¶6 We have read and considered counsel's brief and have searched the entire 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, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582,

584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end.

¶7 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

DIANE M. JOHNSEN, Presiding Judge

/s/

MARGARET H. DOWNIE, Judge