

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

FILED BY CLERK

APR 19 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0383
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
CHRISTOPHER ARTHUR ZUKOWSKI,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20112432001

Honorable Richard D. Nichols, Judge

AFFIRMED

Angela C. Poliquin

Hamilton, MT
Attorney for Appellant

K E L L Y, Judge.

¶1 Appellant Christopher Zukowski was convicted after a jury trial of misconduct involving weapons, specifically possession of a firearm by a prohibited possessor, as well as unlawful discharge of a firearm within city limits and disorderly conduct. The trial court sentenced him to concurrent, enhanced, mitigated prison terms, the longest of which is six years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and has identified as the only “arguable issue whether sufficient evidence existed for a finding of guilt on the offense of disorderly conduct.” Counsel additionally asks this court to review the record for error. Zukowski has not filed a supplemental brief.

¶2 We view the evidence in the light most favorable to upholding the jury’s verdicts. *See State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008). In July 2011, a visibly angry Zukowski, who has previous felony convictions, fired a semiautomatic pistol into the ground two to four times while standing on a public sidewalk near an apartment complex. A nearby witness testified that a bullet had ricocheted in his direction. This evidence is sufficient to support Zukowski’s convictions. A.R.S. §§ 13-2904(A)(6); 13-3101(A)(4); 13-3107(A). Certified copies of Zukowski’s conviction records admitted into evidence and testimony by his probation officer adequately support the trial court’s finding that he had previous felony convictions. And Zukowski’s sentences were within the prescribed statutory range and imposed lawfully. *See* A.R.S. §§ 13-703(C), (D), (J); 13-2904(B); 13-3102(L); 13-3107(A).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and considered the sole arguable issue identified by counsel; we have found no reversible error. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Accordingly, Zukowski's convictions and sentences are affirmed.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge