

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CHRISTOPHER HERNANDEZ,
Appellant.

No. 2 CA-CR 2015-0459
Filed August 24, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pinal County
No. S1100CR201400333
The Honorable Dwight P. Callahan, Judge

AFFIRMED

COUNSEL

Heard Law Firm, Mesa
By James L. Heard
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Staring concurred.

H O W A R D, Presiding Judge:

¶1 Appellant Christopher Hernandez was charged with resisting arrest and disorderly conduct. Following a jury trial, he was convicted of two misdemeanor offenses, resisting arrest by passive resistance, and disorderly conduct. The trial court sentenced Hernandez to 180 days in jail, with credit for time served.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing he has reviewed the entire record and found no “arguable issues for appeal,” and asking that we search the record for fundamental or reversible error. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has also provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Hernandez has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in February 2014, Hernandez entered a convenience store, began “hollering” about religious topics and “yelling” at “DOC officers” who were customers in the store “about his brother getting put away,” and refused to leave the store when the assistant manager asked him to do so. The police were summoned and a Superior Police Department officer arrived in his police vehicle followed by two Pinal County Sheriff’s deputies. When the first officer told Hernandez he was under arrest, he “jerked his hand away from [the police officer], pulled off his shirt . . . and began to get louder”; Hernandez “kept holding himself up and was looking back” when one of the deputies ordered him to “get on the ground.” We

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conclude substantial evidence supported Hernandez's convictions, *see* A.R.S. §§ 13-2508(A)(3), (B), 13-2904(A)(1), and the jail time imposed is an authorized sentence, *see* A.R.S. § 13-707(A)(1).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Accordingly, we affirm Hernandez's convictions and the sentences imposed.