

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

ARNOLD TERRELL HAWKINS,
Appellant.

No. 2 CA-CR 2016-0073
Filed February 13, 2017

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NOT FOR PUBLICATION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. S1100CR201502452
The Honorable Steven J. Fuller, Judge

AFFIRMED AS MODIFIED

COUNSEL

Rowley Long & Simmons PLLC, Mesa
By Matthew S. Long
Counsel for Appellant

STATE v. HAWKINS
Decision of the Court

MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Howard and Judge Vásquez concurred.

ECKERSTROM, Chief Judge:

¶1 After a jury trial, Arnold Hawkins was convicted of four counts of sexual conduct with a minor, one count of sexual abuse, and one count of child molestation, all dangerous crimes against children. The trial court sentenced him to concurrent and consecutive prison terms totaling ninety-seven years.

¶2 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), asserting he has reviewed the record but found no arguably meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, he has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for fundamental error. Hawkins has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. Between May 2012 and September 2013, Hawkins engaged in ongoing sexual abuse of his live-in girlfriend’s daughter, who turned fifteen in May 2014. He digitally penetrated her, had intercourse with her on at least two occasions, performed oral sex on her, placed his mouth on her breasts, and caused her to touch his penis. A.R.S. §§ 13-1404(A), 13-1405(A), 13-1410(A). Hawkins’s sentences are within the statutory range. A.R.S. §§ 13-705(C), (D), (F), 13-1404(C), 13-1405(B), 13-1410(B). We modify one aspect of Hawkins’s sentence for sexual abuse—the trial court incorrectly stated that sentence would be “flat time,” but pursuant to § 13-

STATE v. HAWKINS
Decision of the Court

705(F), Hawkins is eligible for earned release credits for that count. The sentencing minute entry also erroneously states with respect to counts two, three, four, and six that “[t]his sentence is to date from this date” of pronouncement. Because consecutive sentences cannot begin at the same time, we correct the minute entry by deleting this provision. *See State v. Dominguez*, 236 Ariz. 226, ¶ 20, 338 P.3d 966, 972 (App. 2014).

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