

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JEFFREY M. RHINE,
Appellant.

No. 2 CA-CR 2016-0384
Filed July 26, 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NOT FOR PUBLICATION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. S1100CR201600895
The Honorable Kevin D. White, Judge

AFFIRMED AS CORRECTED

COUNSEL

Flores & Clark, PC, Globe
By Daisy Flores
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Kelly¹ concurred.

ECKERSTROM, Chief Judge:

¶1 Following a jury trial, appellant Jeffrey Rhine was convicted of resisting arrest and reckless driving. The trial court sentenced him to 3.75 years' imprisonment on the resisting arrest count and to time served on the reckless driving count. 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 found no "arguable question of law" to raise on appeal. Counsel has asked us to search the record for fundamental error. Rhine has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury's finding of guilt. See *State v. Delgado*, 232 Ariz. 182, ¶ 2, 303 P.3d 76, 79 (App. 2013). The evidence presented at trial showed Rhine, who had four prior felony convictions, was traveling the wrong way on a state route road, when officers stopped him. An officer, who was in uniform and identified himself as an officer, placed him in handcuffs, informed him he was under arrest, and attempted to search him "incident to arrest." Rhine did not comply with the search, becoming "agitated" and twisting into the officer, telling the officer and those standing around "I'm going to fuck all of you up," then "kicking his legs in all different directions." We further

¹The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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conclude the sentences imposed are within the statutory limit.² See A.R.S. §§ 13-703(J), 13-707, 13-2508(A)(1), (B), 28-693(A)-(B).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Rhine's convictions and sentences are affirmed as corrected.

²In its sentencing minute entry the trial court indicated that the sentence imposed on the resisting arrest charge was presumptive, non-dangerous, and non-repetitive. At the sentencing hearing, however, the court indicated it was sentencing Rhine as a category three repetitive offender and the sentence imposed is consistent with that category. We therefore order the minute entry amended to reflect the repetitive nature of the offense. See *State v. Leon*, 197 Ariz. 48, n.3, 3 P.3d 968, 969 n.3 (App. 1999) (oral pronouncement of sentence generally controls).