

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

SPENCER JAMAL HUCKABY,
Appellant.

No. 2 CA-CR 2017-0045
Filed July 31, 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NOT FOR PUBLICATION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 Graham County

No. CR201600123

The Honorable Michael D. Peterson, Judge

AFFIRMED

COUNSEL

E.M. Hale Law, Show Low
By Elizabeth M. Hale
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 Howard¹ concurred.

E C K E R S T R O M, Chief Judge:

¶1 After a jury trial, Spencer Huckaby was convicted of aggravated assault on a peace officer and resisting arrest. The trial court suspended the imposition of sentence and placed Huckaby on concurrent, three-year terms of probation.

¶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 she 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, she has provided “a detailed factual and procedural history of the case with citations to the record” and asked this court to search the record for error. Huckaby 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. In February 2016, police officers attempted to detain Huckaby when he failed to follow directions while being issued a citation for driving with a suspended license; Huckaby struggled with the officers before being handcuffed, at one point biting an officer’s finger, breaking the skin. *See* A.R.S. §§ 13-1203(A)(1), 13-1204(A)(8)(a), 13-2508(A)(1). The terms of his probation are authorized by statute and were imposed in

¹The Hon. Joseph W. Howard, 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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a lawful manner. *See* A.R.S. §§ 13-901(A), (B); 13-902(A)(3), (4); 13-1204(E), 13-2508(B).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (stating *Anders* requires court to search record for fundamental error). Accordingly, we affirm Huckaby's conviction and the imposition of probation.