

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JAMES DANIEL CANDELARIA,
Appellant.

No. 2 CA-CR 2021-0052
Filed January 27, 2022

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NOT FOR PUBLICATION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. 31.19(e).

Appeal from the Superior Court in Pima County
No. CR20185458001
The Honorable James E. Marner, Judge

AFFIRMED

COUNSEL

Joel Feinman, Pima County Public Defender
By David J. Euchner, Assistant Public Defender, Tucson
Counsel for Appellant

STATE v. CANDELARIA
Decision of the Court

MEMORANDUM DECISION

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

ESPINOSA, Judge:

¶1 After a jury trial, James Candelaria was convicted of the lesser-included offense of second-degree murder and sentenced to a sixteen-year prison term. Counsel have filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297 (1969), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating they have reviewed the entire record but found no “arguably meritorious issue to raise on appeal” and asking this court to review the record for error. Candelaria has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the jury’s verdict, *see State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence is sufficient here, *see* A.R.S. § 13-1104(A). In November 2018, Candelaria fatally shot the victim during a claimed “citizen’s arrest” following an incident in which the victim allegedly placed a lit cigarette into the nozzle of a gas pump at a convenience store where Candelaria had stopped to purchase gas. At trial, Candelaria denied pursuing the victim and testified that although he had not intended to shoot or harm the unarmed victim over an hour following the incident at the pump, he had pointed his gun at the victim and intentionally pulled the trigger, fatally shooting him outside a restaurant near the convenience store.¹ Candelaria’s sentence is within the statutory range. *See* A.R.S. § 13-710(A).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, prejudicial error and have found none. Accordingly, Candelaria’s conviction and sentence are affirmed.

¹Candelaria also testified that he had lied to the police and medical personnel about what occurred. After he shot the victim, he cut his own chest and face with a box cutter, which he deposited near the victim’s body along with his gun in an attempt to support his false self-defense story.