IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

PHILLIP WOOLBRIGHT, *Appellant*.

No. 1 CA-CR 12-0680
FILED 02/04/2014

Appeal from the Superior Court in Maricopa County
No. CR2012-005432-001
The Honorable Susanna C. Pineda, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Robert A. Walsh
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Spencer D. Heffel
Counsel for Appellant

MEMORANDUM DECISION

Presiding Judge Peter B. Swann delivered the decision of the Court, in which Judge Patricia K. Norris and Judge Jon W. Thompson joined.

S W A N N, Judge:

¶1 Phillip Woolbright appeals from his conviction on one count of interfering with judicial proceedings, a class 1 misdemeanor and a domestic violence offense. The sole issue before us is whether the state presented sufficient evidence to support the conviction. We find sufficient evidence, and therefore affirm.

FACTS AND PROCEDURAL HISTORY

¶2 During their divorce proceedings, Woolbright's ex-wife secured an order of protection prohibiting Woolbright from being at or near her home. Over time, the court expanded Woolbright's parenting time with his four children, who resided with their mother at the prohibited address. But the court never modified or voided the prohibition against Woolbright's presence at his ex-wife's address, and the most recent order of protection, dated June 2, 2011, reiterated that prohibition.

¶3 On June 17, 2011, the trial court granted Woolbright supervised parenting time with three of the children. The minute entry provides:

> Mother and Father shall cooperate to immediately modify the OOP [order of protection] to allow compliance with this Order.
>
> . . . .
>
> By mutual agreement, the parties may agree to modify the parenting time and the supervisors.

¶4 Notably, the June 17 minute entry neither quashed the June 2 order of protection nor authorized Woolbright to pick up his children from his ex-wife's home.

¶5 The following month, Woolbright filed a "Motion for Enforcement of the Parenting Time and Petition for Contempt," arguing that his ex-wife failed to comply with the most recent parenting time order. The court ordered the parties to "immediately commence with the parenting time ordered by the Court in the minute entry dated June 17, 2011." Woolbright obtained a copy of the order on July 21, 2011, and text-messaged his ex-wife that he would be picking up the children later that day. Woolbright's ex-wife understood the court order to require her to accommodate some type of parenting time that same day. When she asked Woolbright where the children were to meet with him and who would be supervising the visit, Woolbright became argumentative and responded that he would be coming to her home "in 15 minutes." Woolbright claimed that police would be accompanying him "ready to arrest" her if she did not comply with the parenting time order. With the understanding that police would be present, Woolbright's ex-wife responded, "You can pick them up at our home."

¶6 Woolbright arrived at his ex-wife's address without the police, but police responded to her residence shortly thereafter. His ex-wife showed the June 2 order of protection to the police, and Woolbright was arrested shortly thereafter. The state charged that Woolbright had committed interference with judicial proceedings by going to his ex-wife's home.

¶7 At trial, Woolbright, a former justice of the peace, admitted that he knew the June 2 order of protection was valid as of July 21. Woolbright further admitted that he was familiar with order of protection language and explained that the only difference between the June 2 order and ones he had issued in the past was "the name of the court."

¶8 Woolbright's sole defense was that he had not knowingly violated the June 2 order because he believed that the June 17 minute entry (which stated, "Father and Mother shall cooperate to immediately modify the OOP to allow compliance with this Order") granted him and his ex-wife the authority to agree to modify the order of protection.

¶9 Finding Woolbright guilty, the court noted that its orders "at no point in time ever modified the order of protection" with regard to his ex-wife's address. The court emphasized the specific language of the order of protection providing that "[o]nly the Court in writing, can change this Order" and "[e]ven if the Plaintiff initiates contact, you could be arrested and prosecuted for violating the protective order."

¶10 Woolbright timely appeals.

DISCUSSION

¶11 Woolbright contends that the state did not present sufficient evidence to establish that he "knowingly" interfered with judicial proceedings. He argues that he made a mistake of fact by interpreting the June 17 order, in conjunction with his ex-wife's acquiescence, as granting him authority to be present at her home address, and that that mistake negated the "knowing" mental state required for his conviction.

¶12 We review the sufficiency of the evidence at trial only to determine whether substantial evidence supports the verdict. *State v. Cox*, 217 Ariz. 353, 357, ¶ 22, 174 P.3d 265, 269 (2007). "Substantial evidence is evidence that 'reasonable persons could accept as sufficient to support a guilty verdict beyond a reasonable doubt.'" *Id.* (citation omitted). "[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Id.* (alteration in original) (citation omitted) (internal quotation marks omitted).

¶13 Substantial evidence may be direct or circumstantial, and it is well established that each has equal probative value. *State v. Pettit*, 194 Ariz. 192, 197, ¶ 23, 979 P.2d 5, 10 (App. 1998). Furthermore, the credibility of the witnesses and the weight to be given to their testimony are questions exclusively for the trier-of-fact. *Cox*, 217 Ariz. at 357, ¶ 27, 174 Ariz. at 269. For this court to set aside a verdict for insufficient evidence on appeal, "it must clearly appear that upon no hypothesis whatever is there sufficient evidence to support the conclusion reached by the [trier-of-fact]." *State v. Arredondo*, 155 Ariz. 314, 316, 746 P.2d 484, 486 (1987).

¶14 "A person commits interfering with judicial proceedings if such person knowingly . . . [d]isobeys or resists the lawful order, process or other mandate of a court . . . ." A.R.S. § 13-2810(A)(2). Section 13-105(10)(b) provides:

> "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists. *It does not require any knowledge of the unlawfulness of the act or omission*.

(Emphasis added.)

¶15 Here, substantial evidence supports the court's finding that Woolbright knowingly violated the order of protection. Woolbright testified that he knew that the order remained valid when he went to his ex-wife's address and that, as a former judicial officer, he was familiar with the language contained in the order. There is nothing in the court's orders suggesting that it ever modified or rescinded the order of protection's prohibition against Woolbright's presence at his ex-wife's address.

¶16 Moreover, Woolbright's claim that his error was a mistake of fact is legally unsound. Even if Woolbright believed that the June 17 minute entry permitted him to pick up his children at his ex-wife's address, that misinterpretation is a mistake of *law* and not a mistake of *fact*. A mistake of fact is

> a mistake not caused by the neglect of any legal duty on the part of the person making the mistake, but consisting in his ignorance of some fact, past or present, material to the transaction, or in his belief in the existence of some fact, material to the transaction, which does not exist.

Justus v. Clelland, 133 Ariz. 381, 383, 651 P.2d 1206, 1208 (App. 1982) (citation omitted).

¶17 On the other hand, "[a] mistake of law is an erroneous conclusion as to the legal effect of known facts." *Fund Manager, Pub. Safety Pers. Ret. Sys. v. Tucson Police & Fire Pub. Safety Pers. Ret. Sys. Bd.*, 147 Ariz. 1, 4, 708 P.2d 92, 95 (App. 1985) (citation omitted). In this case, Woolbright's interpretation of the June 17 minute entry as rescinding the provisions of the order of protection is an erroneous conclusion as to the legal effects of two known facts: the language of the June 17 minute entry and his ex-wife's acquiescence to him picking up their children from her home. "Ignorance or mistake as to a matter of law does not relieve a person of criminal responsibility." A.R.S. § 13-204(B).

¶18 Contrary to Woolbright's assertions, our review confirms that substantial evidence supports the court's finding of guilt.

CONCLUSION

¶19 For the foregoing reasons, we affirm.

Ruth A. Willingham · Clerk of the Court
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