

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



DIVISION ONE  
FILED: 06/21/2012  
RUTH A. WILLINGHAM,  
CLERK  
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IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) 1 CA-CR 11-0521  
)  
Appellee, ) DEPARTMENT D  
)  
) **MEMORANDUM DECISION**  
v. ) (Not for Publication-  
) Rule 111, Rules of the  
JOSE MANUEL PINZON, ) Arizona Supreme Court)  
)  
Appellant. )  
\_\_\_\_\_ )

Appeal from the Superior Court in Yavapai County

Cause No. P1300CR2010-00868

The Honorable Tina R. Ainley, Judge

**AFFIRMED**

Thomas C. Horne, Arizona Attorney General Phoenix  
By Kent E. Cattani, Chief Counsel  
Criminal Appeals/Capital Litigation Section  
Attorneys for Appellee

Craig Williams Prescott Valley  
Attorney for Appellant

**T H O M P S O N**, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Jose Manuel Pinzon

(defendant) has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propia persona*, and he has not done so.

¶12 Defendant was traveling on I-17 in a Ford Taurus when he was pulled over by Sergeant Casey Kasun for dark window tinting on the car windows. During the stop, Sergeant Kasun noticed that the windshield had been recently removed and that there was an unusual crack on the windshield. He became suspicious because he knew Ford vehicles have a natural void under the windshield. Defendant was anxious, speaking rapidly, sweating profusely, and stammering more as the conversation went on. He and the passenger gave different accounts of where they were headed and why, and defendant did not know who the registered owner of the vehicle was. Sergeant Kasun issued a repair order/warning to defendant for the dark window tint, and then asked if he could speak with him a little more. Defendant consented to have the car searched and signed a consent form. A drug dog gave an alert along the driver's side and on the back bumper. Sergeant Kasun removed the windshield and found plastic containers filled with two and a half pounds of methamphetamine.

¶13 Defendant was charged with one count of transportation of methamphetamine for sale, a class 2 felony, and one count of possession of methamphetamine drug paraphernalia, a class 6 felony. The court denied defendant's motion to suppress evidence following an evidentiary hearing. After a jury trial, defendant was found guilty of transportation of methamphetamine for sale, and not guilty of possession of methamphetamine paraphernalia. Defendant was sentenced to the presumptive term of 10 years in prison and received 358 days of presentence incarceration credit. Defendant timely appealed.

¶14 We have read and considered counsel's brief and have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end.

¶15 We affirm defendant's conviction and sentence.

/s/

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JON W. THOMPSON, Judge

CONCURRING:

/s/

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PETER B. SWANN, Presiding Judge

/s/

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MICHAEL J. BROWN, Judge