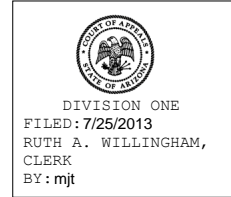


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 12-0543  
)  
Appellee, ) DEPARTMENT E  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
JOHN RANDOLPH SINGLETON, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)  
\_\_\_\_\_ )

Appeal from the Superior Court in Maricopa County

Cause No. CR2008-138081-001

The Honorable Paul J. McMurdie, Judge

**AFFIRMED**

---

Thomas C. Horne, Arizona Attorney General Phoenix  
By Joseph T. Maziarz, Chief Counsel  
Criminal Appeals/Capital Litigation Section  
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix  
By Louise Stark, Deputy Public Defender  
Attorneys for Appellant

---

**B R O W N**, Judge

¶1 John Randolph Singleton appeals his convictions and sentences for aggravated assault and endangerment. Counsel for Singleton filed a brief in accordance with *Anders v. California*,

386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising that after searching the record on appeal, she was unable to find any arguable grounds for reversal. Singleton was granted the opportunity to file a supplemental brief in *propria persona*, but he has not done so.

¶12 Our obligation is to review the entire record for reversible error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the conviction and resolve all reasonable inferences against Singleton. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶13 In 2008, the State charged Singleton with one count of aggravated assault (Count 1), a class 3 dangerous felony in violation of Arizona Revised Statutes ("A.R.S.") section 13-1204, and three counts of endangerment (Counts 2, 3, and 4), class 6 dangerous felonies in violation of A.R.S. § 13-1201. The following evidence was presented at trial.

¶14 At approximately 6:30 in the morning on June 2, 2008, a witness saw Singleton's vehicle run a red light at the intersection of Thunderbird and 31st Avenue. The witness called 9-1-1 to report Singleton's erratic driving, and after doing so, watched him drive towards the entrance to I-17 southbound. As Singleton approached the entrance, he swerved and made contact

with the curb. When Singleton turned to enter the freeway, he went wide, going over the embankment and driving through some shrubbery on the side of the road.

¶15 After entering the freeway, another witness took notice of Singleton because he was driving erratically, moving more slowly than the rest of traffic and floating in and out of lanes. While passing Singleton's truck, the witness saw that Singleton was "completely looking straight up at the ceiling" and appeared to be asleep. Shortly after passing Singleton's truck, the witness noticed that traffic ahead was beginning to slow to a stop. While traffic was stopping, Singleton careened past the witness's vehicle and struck a motorcycle and an SUV. As a result of the collision, the motorcyclist suffered a broken leg and the driver of the SUV injured her neck.

¶16 Multiple witnesses stopped to provide aid at the scene of the accident. One witness, a medical doctor, approached Singleton's truck to administer aid and while speaking with him, detected a strong odor of alcohol. Another witness, an emergency room nurse, also stopped to provide aid. According to the nurse, when she spoke with Singleton she noticed a strong odor of alcohol. Two Department of Public Safety ("DPS") motorcycle officers, who were riding very near to the vehicles involved in the accident, also stopped to evaluate the scene of the accident and provide assistance. Both officers eventually

approached Singleton's car and noticed a strong odor of alcohol emanating from the vehicle.

¶17 Following the accident, Singleton was transferred to a nearby hospital where he received treatment for his injuries. At the hospital, a police officer provided a phlebotomist with two vials for the collection of Singleton's blood. The officer observed the blood draw and ensured that the vials were properly sealed, stored, and transferred to an evidence storage facility. A criminalist at the DPS laboratory eventually tested Singleton's blood, revealing a blood alcohol content of .356. Based on the criminalist's calculation, that blood alcohol concentration was consistent with a person of Singleton's weight having approximately 12.7 standard alcoholic drinks in his system at the time of the blood draw.

¶18 Singleton testified he did not remember drinking any alcohol and denied being intoxicated at the time of the collision. Singleton instead argued he had no memory of the events leading up to and including the collision. According to Singleton, on the morning of the crash, he suffered from a "blackout" that caused him to be unaware of his actions. Singleton testified he had suffered a similar blackout several months earlier, where he woke up in his car in an unfamiliar location parked in front of a house. As of the time of trial,

Singleton stated that he was taking medications for depression and sleep disorders.

¶19 After considering the evidence, a jury found Singleton guilty as charged on Count 1 and guilty of misdemeanor endangerment on Count 2, determining that both were dangerous offenses. The jury acquitted Singleton on Counts 3 and 4. The court sentenced Singleton to the presumptive sentence of 7.5 years' imprisonment for Count 1 with 178 days of presentence incarceration credit, and 6 months' imprisonment for Count 2 to be served concurrently with the sentence for Count 1, with 180 days of presentence incarceration credit. Singleton timely appealed and we have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031 and -4033.

¶10 We have searched the entire record for reversible error and find none. All of the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The record shows Singleton was present and represented by counsel at all pertinent stages of the proceedings, was afforded the opportunity to speak before sentencing, and the sentence imposed was within statutory limits. Based on the foregoing, we affirm Singleton's convictions and sentences.

¶11 Upon the filing of this decision, counsel shall inform Singleton of the status of the appeal and his options. Defense counsel has no further obligations unless, upon review, counsel

finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Singleton shall have thirty days from the date of this decision to proceed, if he so desires, with a *pro per* motion for reconsideration or petition for review.

\_\_\_\_\_/s/\_\_\_\_\_  
MICHAEL J. BROWN, Judge

CONCURRING:

\_\_\_\_\_/s/\_\_\_\_\_  
PATRICIA K. NORRIS, Presiding Judge

\_\_\_\_\_/s/\_\_\_\_\_  
JOHN C. GEMMILL, Judge