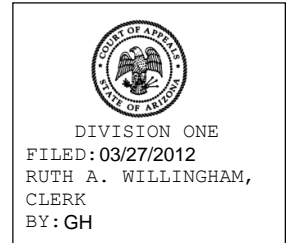


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



STATE OF ARIZONA,) 1 CA-CR 11-0253
)
Appellee,) DEPARTMENT D
)
v.) **MEMORANDUM DECISION**
) (Not for Publication-
) Rule 111, Rules of the
SERGIO PETER LOPEZ,) Arizona Supreme Court)
)
Appellant.)
_____)

Appeal from the Superior Court of Yuma County

Cause No. S1400CR201000457

The Honorable Andrew W. Gould, Judge

AFFIRMED

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

Sharmila Roy Laveen
Attorney for Appellant

T H O M P S O N, Presiding 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 Sergio Peter Lopez

(defendant) has advised us that, after searching the entire record, she 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 propria persona*, and he has not done so.

¶12 Defendant was a passenger in his girlfriend's car when police stopped the vehicle for an insurance violation. Girlfriend, as the driver and owner of the car, gave oral and written consent for police to search the vehicle. Defendant became "ballistic" and aggressive towards his girlfriend because he did not want police to perform the search. Two police officers had to physically detain defendant because he would not comply with police orders. Police found several baggies containing a white substance in a small metal tin, a wallet containing \$770 and defendant's social security card, and a ledger with names and figures, identified as a drug sales record. The bags were tested positive for methamphetamine. Girlfriend testified that she saw defendant remove the tin from his pocket and slide it in-between the seat and the console.

¶13 Girlfriend also consented to a residence search. After police obtained a search warrant, police discovered a safe in the closet bedroom in which they found another metal tin containing methamphetamine. Police also found other drug

paraphernalia, including multiple packaging materials, a scale, and another ledger with defendant's handwriting. At trial, girlfriend testified that the safe belonged to defendant.

¶4 Defendant was charged with one count of possession of dangerous drugs for sale, a class 2 felony, and one count of possession of drug paraphernalia, a class 6 felony. After a jury trial, defendant was found guilty on both counts. Defendant was sentenced to mitigated terms of 7 years in prison for possession of drugs for sale and 270 days in prison for possession of drug paraphernalia, to be served concurrently. Defendant received 190 days of presentence incarceration credit.

¶5 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 sentences imposed were 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.

¶16 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Presiding Judge

CONCURRING:

/s/

MAURICE PORTLEY, Judge

/s/

JOHN C. GEMMILL, Judge