

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

FILED BY CLERK

JUN -7 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2011-0301
	)	DEPARTMENT B
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
ROBERT AARON EMBRY,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20100459001

Honorable Michael O. Miller, Judge  
Honorable Deborah Bernini, Judge

AFFIRMED

\_\_\_\_\_  
Lori J. Lefferts, Pima County Public Defender  
By Michael J. Miller

Tucson  
Attorneys for Appellant

\_\_\_\_\_  
E S P I N O S A, Judge.

¶1 After a jury trial in absentia, appellant Robert Embry was convicted of possession of methamphetamine, possession of drug paraphernalia, and three counts of child abuse. The trial court suspended the imposition of sentence and placed Embry on concurrent terms of probation, the longest of which was four years, to begin upon completion of sentences imposed in other causes.<sup>1</sup> Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating he has reviewed the record and has found no error or “arguably meritorious issue” to raise on appeal. Counsel has asked us to search the record for fundamental error. Embry has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed that, after observing Embry’s vehicle and another vehicle parked driver’s door to driver’s door in the parking lot of a closed business, a Tucson police officer initiated a traffic stop and found 13.76 grams of methamphetamine in a sandwich bag under the driver’s seat of the vehicle Embry was driving. Embry’s children were in the vehicle with him. We further

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<sup>1</sup>The trial court’s sentencing minute entry indicates Embry was to be placed on four-year terms of probation for his drug and drug paraphernalia possession convictions and two of his child abuse convictions. But, the transcript shows that at sentencing the court ordered him placed on probation for four years on the drug possession count and three years on all remaining counts. “The oral pronouncement controls,” and the minute entry is amended to reflect the three-year terms of probation imposed on counts two, three, four, and five. *State v. Leon*, 197 Ariz. 48, n.3, 3 P.3d 968, 969 n.3 (App. 1999).

conclude the terms of probation were appropriate. *See* A.R.S. §§ 13-902(A)(3), (A)(4), (E), 13-3407(A)(1), (B)(1), 13-3415(A), 13-3623(B)(2).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Embry’s convictions and probationary terms are affirmed.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge