

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

OCT 29 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0067
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
LUIS PEDRO CASTRO MARTINEZ,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20110262001

Honorable Teresa Godoy, Judge Pro Tempore

AFFIRMED

Lori J. Lefferts, Pima County Public Defender
By David J. Euchner

Tucson
Attorneys for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 After a jury trial, appellant Luis Martinez was convicted of possession of a narcotic drug and sentenced to a mitigated, one-year prison term to be served concurrently with sentences imposed in Pima County Cause No. CR20110832001. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing he has reviewed the record and found no arguable legal issues to raise on appeal. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel also has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Martinez has not filed a supplemental brief.

¶2 Viewed in the light most favorable to upholding the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Martinez was a passenger in a vehicle that was the subject of a high-risk stop by Tucson Police Department officers on December 1, 2010. After Martinez was arrested, apparently on an unrelated charge,¹ a police officer searched his pockets and found a cigarette pack containing a small wrapper of a powdery substance that was later determined to be heroin. We conclude substantial evidence supported findings of all the elements necessary for Martinez’s conviction, *see* A.R.S. §§ 13-3401(20)(iii) and (21)(m), 13-3408(A)(1), and his sentence is authorized by law, *see* A.R.S. § 13-702(D).

¹Facts related to the reasons for the high-risk stop and Martinez’s arrest were precluded by Martinez’s successful motion in limine.

¶3 In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Martinez’s conviction and sentence.

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

CONCURRING:

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

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