

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 17 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0072
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
TOMAS LOPEZ-FELIX,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20102811001

Honorable Jane L. Eikleberry, Judge

AFFIRMED

Barton & Storts, P.C.
By Brick P. Storts, III

Tucson
Attorneys for Appellant

ECKERSTROM, Presiding Judge.

¶1 After a jury trial, appellant Tomas Lopez-Felix was convicted of transportation of marijuana for sale, the marijuana having a weight of more than two pounds. He was sentenced to a presumptive five-year prison term. 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 “set forth a detailed procedural and

factual history of the case” but found no arguably meritorious issues to raise. Lopez-Felix has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdict, *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), we conclude that evidence was sufficient to support the jury’s finding of guilt. The evidence presented at trial showed that Lopez-Felix knowingly transported nearly 330 pounds of marijuana, an amount a sheriff’s deputy testified was consistent with intent to sell. See A.R.S. § 13-3405(A)(4). Lopez-Felix’s sentence was within the prescribed statutory range and was imposed lawfully. See A.R.S. §§ 13-702(D), 13-3405(B)(11).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. See *State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Accordingly, Lopez-Felix’s conviction and sentence are affirmed.

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

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