

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

DEC 27 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0301
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
TIFFANY MARIE PESINA,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR201100451

Honorable Boyd T. Johnson, Judge

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

ESPINOSA, Judge.

¶1 After a jury trial held in her absence, appellant Tiffany Pesina was convicted of possession of marijuana for sale and transportation of marijuana for sale. The jury found that the amount of marijuana “far” exceeded the threshold amount, *see* A.R.S. § 13-3405(B)(6), (11), and that Pesina committed the offense in the presence of an accomplice, *see* A.R.S. § 13-701(D)(4). The trial court sentenced her to aggravated, concurrent six-year prison terms.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the record and found no arguable 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. *See Clark*, 196 Ariz. 530, ¶ 30, 2 P.3d at 100. Pesina has not filed a supplemental brief.

¶3 Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that, following a high-speed chase, a highway patrol officer stopped the vehicle in which Pesina was riding as a passenger. Pesina was laughing as the officer “ordered [her and the driver] at gunpoint to the ground face down.” Officers noted “a strong smell of the odor of marijuana” inside the vehicle, and subsequently discovered

“four bundles” of marijuana weighing “four pounds or more” inside the trunk of the vehicle. We conclude substantial evidence supported the jury’s findings of all of the elements necessary for Pesina’s convictions, *see* A.R.S. § 13-3405(A)(2), (4), and (B)(6), (11), and the sentences imposed are authorized by law, *see* A.R.S. § 13-702(D).

¶4 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; *Clark*, 196 Ariz. 530, ¶ 30, 2 P.3d at 96. Accordingly, Pesina’s convictions and sentences 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