

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JULIE ANN CROSSER,
Appellant.

No. 2 CA-CR 2013-0214
Filed March 7, 2014

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Gila County
Nos. CR201100673 and CR201300124 (Consolidated)
The Honorable Peter J. Cahill, Judge

AFFIRMED

COUNSEL

Emily Danies, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Miller and Judge Brammer¹ concurred.

V Á S Q U E Z, Presiding Judge:

¶1 In two consolidated cases appellant Julie Crosser was convicted after a jury trial, portions of which she did not attend, of possession of drug paraphernalia, use of a dangerous drug (methamphetamine), and driving with a drug defined in A.R.S. § 13-3401 or its metabolite in her body. Counsel 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), avowing she found no arguable issue of law to raise on appeal and requesting that this court review the record for fundamental error. Crosser has not filed a supplemental brief.

¶2 Viewed in the light most favorable to upholding the verdicts, *State v. Boozer*, 221 Ariz. 601, ¶ 2, 212 P.3d 939, 939 (App. 2009), substantial evidence established that after a Gila County Sheriff's deputy stopped Crosser for a traffic violation he observed signs suggesting she was under the influence of methamphetamine. His drug-detection canine alerted to the vehicle Crosser had been driving and to Crosser's purse, which was inside the car. Crosser consented to the search of the car and the officer searched it. He also searched the purse, and found a baggie inside with methamphetamine residue. Subsequent investigation, which

¹The Hon. J. William Brammer, Jr., a retired judge of this court, is called back to active duty and is assigned to serve on this case pursuant to orders of this court and the supreme court.

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included urinalysis testing, established Crosser had in her body² both methamphetamine and its metabolite amphetamine. Thus, substantial evidence showed she had violated A.R.S. §§ 13-3415(A), 13-3407(A)(1) and (B)(1), 13-3401, and 28-1381(A)(3), committing the charged offenses. We have found no error during trial or otherwise that can be characterized as fundamental, prejudicial error.

¶3 Crosser admitted to the state's allegation that she had one historical prior felony conviction. The trial court sentenced her to enhanced, mitigated prison terms of one and three years for possession of drug paraphernalia and use of a dangerous drug, and a six-month jail term for the driving offense, ordering that all terms be served concurrently. The sentences are within the statutory limits and were imposed in a lawful manner. We see no error, much less fundamental error, with respect to the sentences. We affirm the convictions and the sentences imposed.

²The evidence also established Crosser had in her body a metabolite of tetrahydrocannabinol, the main psychoactive ingredient of marijuana. But the state based the driving-related offense on the presence of methamphetamine in her body, and the jury was instructed accordingly.