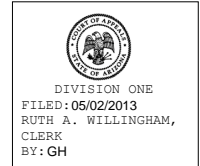


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,)	1 CA-CR 12-0109
)	
Appellee,)	DEPARTMENT C
)	
v.)	MEMORANDUM DECISION
)	(Not for Publication -
)	Rule 111, Rules of the
VINCENT CHAYTON MAYS,)	Arizona Supreme Court)
)	
Appellant.)	
)	
)	
)	

Appeal from the Superior Court in Maricopa County

Cause No. CR2010-108958-001

The Honorable Phemonia L. Miller, Judge *Pro Tempore*

AFFIRMED

Thomas C. Horne, Attorney General	Phoenix
by Joseph T. Maziarz, Acting Chief Counsel, Criminal Appeals/Capital Litigation Section	
Attorneys for Appellee	

James J. Haas, Maricopa County Public Defender	Phoenix
by Cory Engle, Deputy Public Defender	
Attorneys for Appellant	

T H U M M A, Judge

¶1 This is a timely appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Mays asks this court to search the record for fundamental error. Mays was given the opportunity to file a supplemental brief but has not done so. After reviewing the record, finding no error, Mays' convictions and sentences are affirmed.

FACTS AND PROCEDURAL HISTORY¹

¶2 On April 6, 2008, Mays was driving in Phoenix when he ran into the vehicle in front of him. Phoenix Police Officer Sweeney witnessed the collision and saw Mays exit his vehicle. As Officer Sweeney spoke with Mays, he noticed that Mays' eyes were bloodshot and watery and that Mays smelled of alcohol. Mays also exhibited 6 of 6 cues of impairment when given a horizontal gaze nystagmus test. A breathalyzer test administered one hour after the collision showed Mays had a blood alcohol concentration (BAC) of 0.136.

¶3 Mays was arrested and charged with two Class 4 felonies: (1) aggravated driving under the influence (DUI), actual control of a vehicle while under the influence of

¹ This court views the facts in the light most favorable to sustaining the trial court's judgment and resolves all reasonable inferences against Mays. *State v. Fontes*, 195 Ariz. 229, 230, ¶ 2, 986 P.2d 897, 898 (App. 1998).

intoxicating liquor, while his driving privileges were cancelled, and (2) aggravated DUI, actual control of a vehicle with a BAC of .08 or more in his body within 2 hours of the time of driving, while his driving privileges were cancelled.

¶14 At trial, the State presented evidence that although Mays obtained an Arizona driver's license in January 2006, his Arizona driving privileges were cancelled the next month due to suspension of his driver's licenses in other states. The State also presented evidence that Mays was notified of the cancellation of his driving privileges by mail to his address of record, that Mays never reinstated his driving privileges and therefore that Mays did not have a valid Arizona driver's license at the time of the collision and his arrest.

¶15 The jury found Mays guilty on both counts. Mays was sentenced on each count to 4 months' incarceration and 2 years of probation, with the sentences to run concurrently. Mays timely appealed his convictions and resulting sentences. This court has jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes (A.R.S.) sections 12-120.21(A)(1), 13-4031, and -4033(A)(1).²

² Absent material revisions after the relevant dates, statutes cited refer to the current version unless otherwise indicated.

DISCUSSION

¶16 Counsel for Mays advised this court that after a diligent search of the entire record, she found no arguable question of law. This court reviews Mays' convictions and resulting sentences for fundamental error. See *State v. Henderson*, 210 Ariz. 561, 568, ¶ 22, 115 P.3d 601, 608 (2005). A review of counsel's brief and a full review of the record reveals no reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. The record shows that Mays was represented by counsel at all stages of the proceedings and was present at all critical stages. The evidence presented at trial was substantial and supports the verdicts. All of the proceedings appear to have been conducted in compliance with applicable law and procedural rules, and the sentences imposed were within the statutory limits.

CONCLUSION

¶17 Mays' convictions and sentences are affirmed. After this decision is filed, counsel's obligation to represent Mays in this appeal has ended. Counsel must only inform Mays of the status of the appeal and Mays' future options, unless counsel identifies an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Mays shall have

30 days from the date of this decision to proceed, if desired,
with a pro se motion for reconsideration or petition for review.

_____/S/_____
SAMUEL A. THUMMA, Presiding Judge

CONCURRING:

_____/S/_____
MICHAEL J. BROWN, Judge

_____/S/_____
DIANE M. JOHNSEN, Judge