

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

ALYSSA NICOLE GRAYS, *Appellant*.

No. 1 CA-CR 16-0149
FILED 4-25-2017

Appeal from the Superior Court in Maricopa County
No. CR2013-459941-001
The Honorable Richard L. Nothwehr, Judge *Pro Tempore*

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

The Heath Law Firm, PLLC, Mesa
By Mark Heath
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Peter B. Swann delivered the decision of the court, in which Judge Patricia A. Orozco (retired) and Chief Judge Michael J. Brown joined.

S W A N N, Judge:

¶1 This is an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), from Alyssa Nicole Grays's conviction and sentence for aggravated driving while under the influence of drugs. Grays was given the opportunity to file a supplemental brief *in propria persona*, but did not do so. We have reviewed the record for fundamental error. See *Anders*, 386 U.S. 738; *Smith v. Robbins*, 528 U.S. 259 (2000); *State v. Clark*, 196 Ariz. 530 (App. 1999).

¶2 The evidence supports the verdict and we discern no fundamental error. As relevant, aggravated driving while under the influence means (1) driving a vehicle, (2) under the influence of any drug, (3) impaired to the slightest degree, and (4) with someone under the age of 15 in the vehicle. A.R.S. §§ 28-1381(A)(1), -1383(A)(3)(a). The state presented evidence that Grays was involved in a single-car collision on January 14, 2013. Two officers – including a drug recognition expert – testified that she showed signs of impairment during field sobriety tests. Blood tests revealed the presence of Trazodone in an indeterminate concentration and Clonazepam in the therapeutic range, both prescription depressants. Grays's four-year-old child was in the car.

¶3 Grays was present and represented by counsel at all critical stages, the jury was properly comprised, and there is no evidence of any juror misconduct or bias. Grays was permitted to speak at sentencing, and the court stated on the record that it considered all of the information in imposing sentence. The court imposed one day of jail time and the proper fines, pursuant to A.R.S. §§ 28-1381(I)-(J) and -1383(F).

¶4 We affirm Grays's conviction and sentence. Defense counsel's obligations pertaining to this appeal have come to an end. See *State v. Shattuck*, 140 Ariz. 582, 584–85 (1984). Unless, upon review, counsel discovers an issue appropriate for petition for review to the Arizona Supreme Court, counsel must only inform Grays of the status of

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this appeal and her future options. *Id.* Grays has 30 days from the date of this decision to file a petition for review *in propria persona*. See Ariz. R. Crim. P. 31.19(a). Upon the court's own motion, Grays has 30 days from the date of this decision in which to file a motion for reconsideration.



AMY M. WOOD • Clerk of the Court
FILED: AA