

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Appellee*,

*v.*

CARLOS ALBERTO VALVERDE, JR., *Appellant*.

No. 1 CA-CR 16-0646  
FILED 10-10-2017

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Appeal from the Superior Court in Maricopa County  
No. CR2015-129851-001  
The Honorable Annielaurie Van Wie, Commissioner

**AFFIRMED**

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COUNSEL

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

Maricopa County Public Defender's Office, Phoenix  
By Joel M. Glynn  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Kent E. Cattani and Judge Paul J. McMurdie joined.

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**T H O M P S O N**, Judge:

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Carlos Alberto Valverde, Jr. (defendant) has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, but he has not done so.

¶2 Late one evening in November 2014, Gilbert police received a report regarding a possibly impaired driver headed southbound on Val Vista road in a white car. Soon after, Gilbert Police Officer Cary Sanguigni spotted defendant's car, which matched the report description, driving southbound on Val Vista Road and swerving between lanes. Officer Sanguigni pulled defendant over and observed that defendant's eyes were bloodshot and watery, his speech was slurred, and he emanated a strong odor of alcohol. When Officer Sanguigni asked defendant whether he knew why he had been pulled over, defendant replied, "Yes, because I'm intoxicated." In response to Officer Sanguigni's request for a driver's license, defendant provided a government identification card. Defendant told Officer Sanguigni that his license had been suspended. Officer Sanguigni performed several field sobriety tests (FSTs) at the scene, during which defendant exhibited multiple cues of impairment.

¶3 Following his arrest and transport to the police station, defendant consented to a blood test, which showed he had a blood alcohol content (BAC) of 0.175 percent. During an interview with Officer Sanguigni at the station, defendant estimated his level of intoxication was a five out of ten at that time and a seven out of ten while driving. He also admitted that the alcohol had affected his driving.

¶4 The state charged defendant with two counts of aggravated driving or actual physical control while under the influence of intoxicating

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liquor or drugs. A jury found defendant guilty as charged. At sentencing, defendant admitted to five prior felony convictions. The trial court sentenced defendant to the presumptive term of ten years' incarceration for each count, to be served concurrently, and gave defendant 37 days of presentence incarceration credit.

¶5 Defendant's counsel, in his *Anders* brief, includes several specific issues defendant wants to raise: improper discussion of past suspended license charges, a biased jury due to a lack of minority jurors, problems with the blood work used for the BAC determination, the ineffectiveness of defendant's expert witness, and the court's failure to account for mitigating factors. Defendant, through counsel, also notes his belief that he passed the FSTs and suggests the police lacked firsthand knowledge of his erratic driving prior to pulling him over. We have considered the issues raised and find no meritorious grounds for reversal.

¶6 In addition to considering the seven issues raised by defendant, we have read and considered defendant's *Anders* brief, and we have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentences imposed were within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶7 We affirm the convictions and sentences.



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