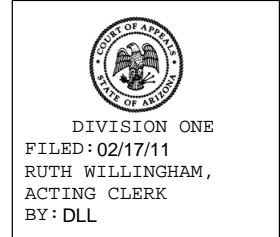


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**



STATE OF ARIZONA,) 1 CA-CR 09-0590
)
Appellee,) DEPARTMENT A
)
v.) **MEMORANDUM DECISION**
) (Not for Publication
JOHN KEITH COPPINGER,) - Rule 111, Rules of
) the Arizona Supreme
Appellant.) Court)
)
)

Appeal from the Superior Court of Maricopa County

Cause No. CR2008-118723-001 DT

The Honorable John R. Ditsworth, Judge

AFFIRMED AS MODIFIED

Terry Goddard, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
And Diane Leigh Hunt, Assistant Attorney General
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Karen M. Noble, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 John Keith Coppinger (defendant) appeals from his sentences on two counts of forgery, class 4 felonies. For the

following reasons, we reverse the portion of defendant's sentence imposing probation surcharges.

¶2 After a two-day jury trial, defendant was convicted of two counts of forgery. The trial court sentenced him to two presumptive sentences of ten years in prison, to be served concurrently. The court also imposed a surcharge of \$20 for each count. Defendant timely appealed.

¶3 Defendant raises one issue on appeal: whether the trial court imposed an illegal sentence by ordering to pay probation surcharge fees of twenty dollars for each count. Because defendant failed to raise this issue below, we review for fundamental error. See *State v. Henderson*, 210 Ariz. 561, 567-69, ¶¶ 19-26, 115 P.3d 601, 607-09 (2005). The state concedes in its answering brief that the surcharges were erroneous. Because the surcharges were not statutorily authorized, we reverse them.

¶4 For the foregoing reasons, we reverse the probation surcharges imposed by the trial court and affirm the judgment

and sentence as modified.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

DONN KESSLER, Presiding Judge

/s/

DANIEL A. BARKER, Judge