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 TWO

)

THE STATE OF ARIZONA,

Appellee,

v.

JOHN DAVID KARTEN,

)

Appellant.

2 CA-CR 2013-0028 DEPARTMENT A

MEMORANDUM DECISION Not for Publication Rule 111, Rules of the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR201200163

Honorable Wallace R. Hoggatt, Judge

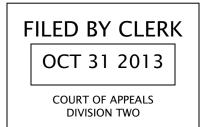
AFFIRMED

Thorn Law Office By David W. Thorn

Bisbee Attorney for Appellant

H O W A R D, Chief Judge.

¶1 Appellant John Karten was convicted after a jury trial of transportation of marijuana for sale, and the trial court sentenced him to a presumptive, five-year prison term. Counsel has 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), asserting he has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, he has provided "a detailed factual and



procedural history of the case with citations to the record" and asks this court to search the record for error. Although he was given an opportunity to do so, Karten did not file a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), we find sufficient evidence to support the jury's findings. *See* A.R.S. § 13-3405(A)(4), (B)(11). During a traffic stop, law enforcement officers found over 500 pounds of marijuana hidden in the cargo of a flatbed truck driven by Karten. The truck had decals and markings indicating it was owned and operated by a lumber company. Although Karten told an officer he was employed there, the company neither owned the truck nor employed Karten. Karten's sentence was imposed properly and did not exceed the legal statutory limit. *See* A.R.S. §§ 13-702(D), 13-3405(B)(11).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Karten's conviction and sentence are affirmed.

1s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

<u>/s/ Garye L. Vásquez</u> GARYE L. VÁSQUEZ, Presiding Judge <u>/s/ J. William Brammer, Jr.</u> J. WILLIAM BRAMMER, JR., Judge*

*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Administrative Order No. 2012-101 filed December 12, 2012.