

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

DAVID SCOTT LEE,  
*Appellant.*

No. 2 CA-CR 2014-0328  
Filed April 21, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.*

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Appeal from the Superior Court in Pima County  
No. CR20140175001  
The Honorable Teresa Godoy, Judge Pro Tempore

**AFFIRMED**

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COUNSEL

Lori J. Lefferts, Pima County Public Defender  
By Abigail Jensen, Assistant Public Defender, Tucson  
*Counsel for Appellant*

STATE v. LEE  
Decision of the Court

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MEMORANDUM DECISION

Judge Howard authored the decision of the Court, in which Presiding Judge Kelly and Judge Vásquez concurred.

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HOWARD, Judge:

¶1 After a jury trial, David Lee was convicted of fleeing from a law enforcement vehicle. The trial court sentenced him to an enhanced, minimum 1.5-year prison term.

¶2 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 she 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, she 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. Lee has not filed a supplemental brief.

¶3 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), sufficient evidence supports the jury’s verdict here. In April 2013, a police officer in a marked patrol vehicle attempted to stop Lee, who was driving a scooter, by turning on his overhead lights and briefly sounding his siren; Lee failed to stop and was apprehended only after he attempted to flee on foot after crashing the scooter. *See* A.R.S. § 28-622.01. And sufficient evidence supports the trial court’s finding that Lee had a historical prior felony conviction. The prison term imposed is within the statutory limit and was imposed properly. *See* A.R.S. §§ 13-703(B)(2), (I), 28-622.01.

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State*

STATE v. LEE  
Decision of the Court

*v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Accordingly, we affirm Lee's conviction and sentence.