

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

RAY ANTHONY TAYLOR,
Appellant.

No. 2 CA-CR 2015-0114
Filed December 21, 2015

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NOT FOR PUBLICATION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.

Appeal from the Superior Court in Pima County
No. CR20114044001
The Honorable Richard S. Fields, Judge

AFFIRMED

COUNSEL

The Hopkins Law Office, Tucson
By Cedric Martin Hopkins
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Miller concurred.

ECKERSTROM, Chief Judge:

¶1 After a jury trial, Ray Taylor was convicted of weapons misconduct, possession of a deadly weapon by a prohibited possessor and unlawful discharge of a firearm. Taylor admitted he had two historical prior convictions and had been on probation at the time of the offenses. The trial court sentenced him to a ten-year prison term for weapons misconduct and a 3.75-year prison term for unlawful discharge. We affirmed his convictions and sentences on appeal. *State v. Taylor*, No. 2 CA-CR 2012-0396 (memorandum decision filed Jul. 16, 2013). The trial court granted in part his later petition for post-conviction relief, determining he had not waived his right to a jury trial to determine his release status at the time of the offenses because that fact was material to his sentence under A.R.S. § 13-708(C).¹ Following the jury's finding that he had been on supervised release at the time of his offenses, the court imposed the same 10-year and 3.75-year prison terms.

¶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 he has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz.

¹The trial court's grant of relief was based on *Alleyne v. United States*, ___ U.S. ___, 133 S. Ct. 2151 (2013). The court denied Taylor's claim of ineffective assistance of counsel, and we denied relief in Taylor's subsequent petition for review of that denial. *State v. Taylor*, No. 2 CA-CR 2015-0163-PR (memorandum decision filed Sep. 29, 2015).

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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. Taylor 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. When he committed weapons misconduct and illegal discharge of a firearm in November 2011, Taylor was on probation for a previous felony offense. And Taylor’s sentences are within the statutory limits and were imposed properly. A.R.S. §§ 13-703(C), (J); 13-708(C), 13-3102(M), 13-3107(A).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental 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). Accordingly, we affirm Taylor’s sentences.