

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

LEONARD TURNER,
Appellant.

No. 2 CA-CR 2015-0126
Filed October 13, 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NOT FOR PUBLICATION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. CR20134881001
The Honorable Carmine Cornelio, Judge

AFFIRMED

COUNSEL

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

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MEMORANDUM DECISION

Judge Howard authored the decision of the Court, in which Presiding Judge Vásquez and Judge Brammer¹ concurred.

HOWARD, Judge:

¶1 After a jury trial, Leonard Turner was convicted of criminal damage and four counts of aggravated driving under the influence of an intoxicant (DUI), specifically: DUI with a suspended or revoked license and driving with an alcohol concentration (BAC) at or above .08 with a suspended or revoked license, DUI having two or more DUI violations in the preceding eighty-four months, and driving with a BAC of .08 or greater having two or more DUI violations in the previous eighty-four months. The trial court sentenced him to concurrent prison terms, the longest of which were ten years.

¶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. 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. Turner has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports the jury’s verdicts here. In July 2013, a law enforcement officer responding to

¹The Hon. J. William Brammer, Jr., a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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a 9-1-1 call found Turner trapped in the driver's seat of a crashed vehicle; the vehicle had struck a traffic camera, causing approximately \$4,000 in damage. Turner had an odor of intoxicants and showed signs of intoxication, and analysis of his blood drawn less than two hours after the accident showed his BAC to be .263. Turner's driver's license was suspended and revoked at the time of the incident, and he previously had been convicted of DUI offenses committed in 2010 and 2013. See A.R.S. §§ 13-1602(A)(1); 28-1381(A)(1), (2); 28-1383(A)(1), (2). The evidence also supports the trial court's decision to sentence Turner as a category-two repetitive offender. A.R.S. §§ 13-105(22)(a)(iv); 13-703(C). The prison terms imposed for his convictions are within the statutory limit and were imposed properly. See A.R.S. §§ 13-703(J); 13-1602(B)(3); 28-1383(L)(1).

¶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 Turner's convictions and sentences.