

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSEPH FRANK TYLER,
Appellant.

No. 2 CA-CR 2015-0228
Filed December 1, 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NOT FOR PUBLICATION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. CR20144094001

The Honorable Javier Chon-Lopez, Judge

AFFIRMED

COUNSEL

Dean Brault, Pima County Legal Defender
By Alex D. Heveri, Assistant Legal Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Judge Howard authored the decision of the Court, in which Presiding Judge Vásquez and Judge Kelly¹ concurred.

H O W A R D, Judge:

¶1 Appellant Joseph Tyler was charged with one count of aggravated driving under the influence of an intoxicant (DUI) while a certified ignition interlock device is required and one count of aggravated DUI with an alcohol concentration of .08 or more while a certified ignition interlock device is required. Following a jury trial, Tyler was convicted of the first count, a class four felony. The trial court suspended the imposition of sentence and placed Tyler on probation for two years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the entire record and found no meritorious issue to raise on appeal and asking that we search the record for “error.” In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has also provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Tyler has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that on July 1, 2014, Tyler was required to have a certified ignition interlock device on any vehicle he drove, and that he drove a vehicle without such a device on that date. There was also evidence that within two hours of having driven, Tyler had a blood alcohol concentration of

¹The Hon. Virginia C. Kelly, 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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.271 and showed signs of intoxication. We conclude substantial evidence supported finding the elements necessary for Tyler's conviction, *see* A.R.S. § 28-1383(A)(4), and the probation imposed is an authorized disposition, *see* A.R.S. § 13-902(B)(2).

¶3 Our examination of the record pursuant to *Anders* has revealed no reversible error or arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744; *see also 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 Tyler's conviction and disposition.