

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

HECTOR FERNANDO HURTADO,
Appellant.

No. 2 CA-CR 2016-0060
Filed October 14, 2016

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NOT FOR PUBLICATION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. CR20144482001
The Honorable Danelle B. Liwski, Judge

AFFIRMED

COUNSEL

West, Elsberry, Longenbaugh & Zickerman, PLLC, Tucson
By Anne Elsberry
Counsel for Appellant

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MEMORANDUM DECISION

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

V Á S Q U E Z, Presiding Judge:

¶1 Appellant Hector Hurtado was charged with the sale of a narcotic drug, possession of a narcotic drug for sale, and possession of drug paraphernalia. Following a jury trial, he was convicted of all three counts. The trial court suspended the imposition of sentence and placed Hurtado on concurrent terms of intensive probation, the longest of which are five years.

¶2 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 arguable, meritorious issues” to raise on appeal, and asking that we search the record for fundamental 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.” Hurtado has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to upholding the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in October 2014, an undercover police officer purchased five oxycodone pills from Hurtado’s codefendant. The codefendant passed the \$100 she received from the officer through the back-seat window of the vehicle in which Hurtado was the sole occupant,¹

¹ Although other individuals were seated in the vehicle, Hurtado was the only person seated in the back seat.

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and returned with the oxycodone pills for the officer; after the purchase, the money the officer had paid and a container that contained a baggie with oxycodone pills were found in the back seat of the vehicle. We conclude substantial evidence supported Hurtado's convictions, *see* A.R.S. §§ 13-3408(A)(2), (A)(7), (B)(2), (B)(7), (D), 13-3415(A), (F)(2)(i), 13-3401(20)(jjj), (21)(dd), and the probation imposed is an authorized disposition, *see* A.R.S. § 13-902(A)(1), (A)(4).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Accordingly, we affirm Hurtado's convictions and the probation imposed.