

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSHUA DAVID STAUFFER,
Appellant.

No. 2 CA-CR 2016-0230
Filed _____

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NOT FOR PUBLICATION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 Gila County
No. S0400CR201300335
The Honorable Gary V. Scales, Judge Pro Tempore

AFFIRMED

COUNSEL

Emily Danies, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Presiding Judge Staring and Judge Espinosa concurred.

M I L L E R, Judge:

¶1 After a jury trial Joshua Stauffer was convicted of aggravated driving under the influence (DUI) while required to equip his motor vehicle with an ignition interlock device and the following domestic violence misdemeanor offenses: assault, preventing the use of a telephone during an emergency, disorderly conduct, and two counts of threatening or intimidating. The trial court sentenced him to a three-year prison term for DUI, and to time served for the misdemeanor offenses.

¶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 thoroughly 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 fundamental error. Stauffer has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. In June 2013, Stauffer, who was required to use an ignition interlock device in his vehicle, drove to his father’s home and, during an argument, threatened his father and sister, poked his father in the head, and slapped a telephone out of his father’s hand while he was attempting to call 9-1-1, subsequently failed field sobriety tests, and breath testing showed he had an alcohol concentration of .144 and .142. *See* A.R.S. §§ 13-1202(A)(1), 13-

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1203(A)(3), 13-2904(A)(1), 13-2915(A)(3), 13-3601(A)(4), 28-1383(A)(4). Sufficient evidence supports the trial court's finding of Stauffer's historical prior felony conviction. See A.R.S. § 13-105(22)(a)(iv). His sentences are within the statutory range and were properly imposed. See A.R.S. §§ 13-703(B), (I), 28-1383(M)(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). Accordingly, we affirm Stauffer's convictions and sentences.