

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

MAURICIO RODRIGUEZ,
Appellant.

No. 2 CA-CR 2016-0316
Filed June 8, 2017

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NOT FOR PUBLICATION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. CR20122195001
The Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

COUNSEL

Joel Feinman, Pima County Public Defender
By Abigail Jensen, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

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

ESPINOSA, Judge:

¶1 After a jury trial in absentia in April 2014, Mauricio Rodriguez was convicted of transportation of a narcotic drug for sale exceeding the threshold amount. Following his arrest, Rodriguez was sentenced in August 2016 to the minimum four-year prison term.¹ Avowing she found no “arguably meritorious issue to raise on appeal,” counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asking this court to search the record for error. Rodriguez has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that on May 30, 2012, during a traffic stop, Rodriguez consented to permit Marana police officers to search his vehicle and the trailer he was towing.

¹ Section 13-4033(C), A.R.S., prohibits a defendant from appealing “if the defendant’s absence prevents sentencing from occurring within ninety days after conviction.” Although Rodriguez was not arrested until more than two years after the verdict was rendered, § 13-4033(C) applies “only if the defendant has been informed he could forfeit the right to appeal if he voluntarily delays his sentencing for more than ninety days.” *State v. Bolding*, 227 Ariz. 82, ¶ 20, 253 P.3d 279, 285 (App. 2011). Because the record does not appear to indicate whether Rodriguez was informed of this right, and because the trial court informed him at sentencing that he had a right to appeal, we consider his appeal.

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Officers later obtained a search warrant; they found more than nineteen pounds of heroin in the trailer's axles and Rodriguez admitted knowing there were drugs in the trailer. We conclude ample evidence supported the jury's finding of guilt, *see* A.R.S. §§ 13-3401(36)(a), 13-3408(A)(7), (B)(7),² and the sentence is within the statutory limits and was imposed properly, *see* A.R.S. § 13-702(D).

¶3 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, Rodriguez's conviction and sentence are affirmed.

²We refer to the statutes in effect at the time of Rodriguez's offense.