

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

CARLOS OTCHARAMI SWANQUIST-LEYVA,  
*Appellant.*

No. 2 CA-CR 2016-0328  
Filed April 19, 2017

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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NOT FOR PUBLICATION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.*

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Appeal from the Superior Court in Pima County  
No. CR20151691001  
The Honorable Casey F. McGinley, Judge Pro Tempore

**AFFIRMED**

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COUNSEL

Peter B. Keller, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

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

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S T A R I N G, Presiding Judge:

¶1 After a jury trial, Carlos Swanquist-Leyva was convicted of possession of a deadly weapon by a prohibited possessor. The trial court sentenced him to a 2.25-year prison term. Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), stating he has “not identified an issue on which to base an appeal.”<sup>1</sup> Swanquist-Leyva 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), sufficient evidence supports it here. In April 2015, when a police officer attempted to stop Swanquist-Leyva for a traffic violation, he fled on foot after running off the road; Swanquist-Leyva acknowledged there was a firearm in his vehicle, and an officer found a firearm in the location he described. The parties stipulated that Swanquist-Leyva had previously been convicted of a felony and that his rights had not been restored. *See* A.R.S. § 13-3102(A)(4). And sufficient evidence supports the trial court’s finding that Swanquist-Leyva had one historical prior felony

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<sup>1</sup>Although counsel includes a brief recitation of the facts and procedural history of this case, he has not supported that recitation with citations to the record as required by Rule 31.13(c)(1)(iv), Ariz. R. Crim. P.; *see also State v. Clark*, 196 Ariz. 530, ¶ 30, 2 P.3d 89, 96 (App. 1999) (*Anders* brief should contain “detailed factual and procedural history of the case, with citations to the record”).

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conviction. His sentence is within the statutory range and was properly imposed. A.R.S. §§ 13-703(B), (I), 13-3102(M).

¶3 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 Swanquist-Leyva's conviction and sentence.