

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

ERIC IBARRA,
Appellant.

No. 2 CA-CR 2016-0387
Filed June 29, 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NOT FOR PUBLICATION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. CR20110514001
The Honorable Ted B. Borek, Judge

AFFIRMED

COUNSEL

Law Offices of Thomas Jacobs, Tucson
By Thomas Jacobs
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Espinosa and Judge Howard¹ concurred.

V Á S Q U E Z, Presiding Judge:

¶1 After a jury trial, appellant Eric Ibarra was convicted of two counts of sale of a narcotic drug. Ibarra admitted having two historical prior felony convictions, and the trial court sentenced him to mitigated, concurrent terms of imprisonment, the longer of which is twelve years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and, consistent with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), has provided “a detailed factual and procedural history of the case with citations to the record.”² He asks this court to search the record for fundamental error. Ibarra has not filed a supplemental pro se brief.

¶3 Ibarra was represented by counsel, and the following evidence, viewed in the light most favorable to sustaining his convictions, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), was sufficient to support the jury’s guilty verdicts, *see* A.R.S. §§ 13-3401(5), (20)(z), (36)(b), 13-3408(A)(2), (B)(2). On two dates in November 2010, Ibarra sold cocaine, in amounts exceeding the statutory threshold of nine grams, *see* § 13-3401(36)(b), to an undercover officer employed by the Tucson Police Department.

¹The Hon. Joseph W. Howard, 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.

²After a hearing on Ibarra’s petition for post-conviction relief, the trial court granted him leave to file this delayed appeal.

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¶4 The trial court accepted Ibarra's admissions to two historical prior felony convictions in accordance with Rule 17.6, Ariz. R. Crim. P. *See also* A.R.S. § 13-105(22)(c). His sentences were within the statutory range authorized, *see* A.R.S. § 13-703(C), (J), and were properly imposed.

¶5 In our examination of the record, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Ibarra's convictions and sentences.