

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

GRACIELA CASTRO,  
*Appellant.*

No. 2 CA-CR 2016-0394  
Filed October 18, 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NOT FOR PUBLICATION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 Pinal County  
No. S1100CR201601403  
The Honorable Kevin D. White, Judge

**AFFIRMED**

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COUNSEL

Rowley Long & Simmons PLLC, Mesa  
By Matthew S. Long  
*Counsel for Appellant*

STATE v. CASTRO  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Howard<sup>1</sup> concurred.

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S T A R I N G, Presiding Judge:

¶1 Following a jury trial, appellant Graciela Castro was convicted of transportation of a dangerous drug for sale. The trial court sentenced her to a minimum, five-year prison term and ordered her to pay a fine of \$150,000. Avowing he has found no arguably meritorious issue to raise on appeal, appointed 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), asking this court to review the record for fundamental error. Castro has not filed a supplemental brief.

¶2 Viewed in the light most favorable to upholding the jury's verdict, *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that in May 2016, an Arizona Department of Public Safety officer stopped a vehicle in which Castro was the front-seat passenger for a windshield obstruction violation. The driver agreed to let the officer search the vehicle, leading to the discovery of eight pounds of methamphetamine under the rear passenger floorboard carpet. When questioned by police at the scene and later at the police station, Castro gave changing and inconsistent accounts about accompanying the driver from California to Tucson. We conclude substantial evidence supported Castro's conviction, *see* A.R.S. §§ 13-301(2), 13-3401(36)(e), 13-3407(A)(7), and the sentence was lawful and was imposed properly, *see* A.R.S. §§ 13-801(A), 13-3407(E), (H).

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<sup>1</sup>The 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.

STATE v. CASTRO  
Decision of the Court

¶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, we affirm Castro's conviction and sentence.