

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

RENE FUENTES,
Appellant.

No. 2 CA-CR 2016-0412
Filed July 31, 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NOT FOR PUBLICATION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. CR20150751001
The Honorable Richard S. Fields, Judge

AFFIRMED

COUNSEL

Law Offices of Cornelia Wallis Honchar, P.C., Tucson
By Cornelia Wallis Honchar
Counsel for Appellant

STATE v. FUENTES
Decision of the Court

MEMORANDUM DECISION

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

V Á S Q U E Z, Presiding Judge:

¶1 Following a jury trial, appellant Rene Fuentes was convicted of theft of a means of transportation, a class three felony. The trial court sentenced him to an enhanced, “partially mitigated” five-year term of imprisonment. 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), stating she has reviewed the record and has found no “arguable question of law” to raise on appeal. Counsel has asked us to search the record for fundamental error. Fuentes has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. See *State v. Martinson*, 241 Ariz. 93, ¶ 34, 384 P.3d 307, 315 (App. 2016). The evidence presented at trial showed that an officer saw Fuentes, who had a prior felony conviction, riding a scooter that had been reported stolen, had pry marks visible around the ignition area, and was missing the ignition. When the officer attempted to stop Fuentes, he left the scooter and ran. We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 13-703(B), (I); 13-1814(A)(1), (D).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. We therefore affirm Fuentes’s conviction and sentence.

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.