

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSE JESUS MENDEZ,
Appellant.

No. 2 CA-CR 2018-0242
Filed January 9, 2019

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NOT FOR PUBLICATION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. 31.19(e).

Appeal from the Superior Court in Pinal County
No. S1100CR201701782
The Honorable Kevin D. White, Judge

AFFIRMED

COUNSEL

Rosemary Gordon Pánuco, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Judge Vásquez and Judge Brearcliffe concurred.

S T A R I N G, Presiding Judge:

¶1 Following a jury trial, appellant Jose Mendez was convicted of possession of a dangerous drug for sale (methamphetamine), possession of narcotic drug (heroin), and possession of drug paraphernalia. Mendez admitted to having more than two historical prior felony convictions, and the trial court sentenced him, as a category three repetitive offender, to presumptive, concurrent terms of imprisonment, the longest of which is 15.75 years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999). Consistent with *Clark*, she has provided “a detailed factual and procedural history of the case with citations to the record,” 196 Ariz. 530, ¶ 32, and states she is “unable to find any unresolved non-frivolous issue to raise on appeal.” She asks this court to “independently review[] the record” in accordance with those authorities. Mendez has not filed a supplemental brief.

¶3 The evidence, viewed in the light most favorable to sustaining Mendez’s convictions, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), was sufficient to support the jury’s verdicts. *See* A.R.S. §§ 13-3401(6)(c)(xxxviii), (20)(ttt), & (21)(m); 13-3407(A)(2); 13-3408(A)(1); 13-3415(A). After receiving information that a red Chevrolet truck would be bringing drugs to a local motel, Casa Grande police detectives watched the parking lot and saw Mendez exit such a vehicle carrying a small lockbox. Mendez put the box down near the motel lobby and told a detective, “Do whatever you want,” stating the box did not belong to him.¹ A drug-certified K-9 alerted to the box, which contained a black canister holding

¹Mendez also denied knowledge of the contents of the box. But when asked if anything inside the box would have his fingerprints, Mendez acknowledged that they might be found on a butane canister.

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two plastic bags of methamphetamine; 123 pills containing methamphetamine, apportioned into small plastic bags; some heroin; a butane torch; and additional plastic bags. Additionally, the sentences imposed by the trial court were within the statutory range authorized, *see* A.R.S. § 13-703(C), (J), and were properly imposed.

¶4 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 Mendez's convictions and sentences.