

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CHAZ ASHLEY CAMPBELL,
Appellant.

No. 2 CA-CR 2018-0296
Filed October 31, 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NOT FOR PUBLICATION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. S1100CR201702597
The Honorable Lawrence M. Wharton, Judge Pro Tempore

AFFIRMED AS CORRECTED

COUNSEL

Michael Villarreal, Florence
Counsel for Appellant

STATE v. CAMPBELL
Decision of the Court

MEMORANDUM DECISION

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

V Á S Q U E Z, Chief Judge:

¶1 Following a jury trial that was held in his absence, appellant Chaz Campbell was convicted of aggravated driving under the influence of an intoxicant while impaired to the slightest degree and aggravated driving with methamphetamine or its metabolite in his body, both while his license to drive was suspended or revoked, and unlawful flight from a law enforcement vehicle.¹ The trial court found Campbell had three prior felony convictions and sentenced him to concurrent and consecutive, presumptive prison terms totaling 6.75 years.²

¶2 Counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297 (1969), and *State v. Clark*, 196 Ariz. 530 (App. 1999), asserting he reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, counsel has provided “a detailed factual and procedural history of the case with citations to the record” and asks us to search the record for fundamental or reversible error. Campbell has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the verdicts, *State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence at trial was sufficient to support the jury’s findings of guilt. See A.R.S. §§ 13-3401(6)(c)(vi), (xxxviii), 28-622.01(1), 28-624(C), 28-1381(A)(1), (A)(3), 28-

¹The trial court dismissed an additional count of resisting arrest.

²The trial court found Campbell had three prior felony convictions, effectively one historical prior felony conviction under A.R.S. § 13-105(22)(d), making him eligible to be sentenced as a category two repetitive offender pursuant to § 13-703(B).

STATE v. CAMPBELL
Decision of the Court

1383(A)(1).³ In December 2016, Campbell fled from an attempted welfare check by an officer in what appeared to be an abandoned vehicle in an area where there had been “a lot of issues.” He then led officers in marked police cars with their lights and sirens activated on a high-speed chase. Evidence of Campbell’s driving behavior demonstrated he was impaired to the slightest degree, including driving in excess of the speed limit; driving into “opposing traffic” and almost colliding with multiple vehicles; driving through a stop sign; making wide turns; and, continuing to drive “essentially on the rim” of his tire after officers had punctured his tire with stop sticks.

¶4 After officers forced Campbell to stop, they noted his eyes were red, watery, and bloodshot, and that he exhibited jittery and agitated behavior. The results of a blood sample taken from Campbell yielded “amphetamine at 71 nanograms per millimeter and methamphetamine at 680 nanograms per millimeter,” a level three times the high end of the therapeutic range for the latter substance. Campbell’s driver license was suspended at the time of the incident. We also conclude the state properly alleged Campbell had three prior felony convictions and the sentences imposed are within the statutory limits for a category two offender and were lawfully imposed. *See* A.R.S. §§ 13-105(22)(d), 13-703(B), (I).

¶5 In our review of the record pursuant to *Anders*, we noted that, although the trial court found Campbell had three prior felony convictions and that he was therefore eligible for enhanced sentencing as a category two repetitive offender under §§ 13-105(22)(d) and 13-703(B), the sentencing order characterizes the offenses as “nonrepetitive.” We thus correct the sentencing order to reflect all three counts are repetitive and that Campbell was sentenced as a repetitive offender pursuant to § 13-703, as reflected in the sentencing transcript as well as in the sentences imposed. *See State v. Ovante*, 231 Ariz. 180, ¶ 38 (2013) (discrepancy between oral pronouncement of sentence and written minute entry generally controlled by oral pronouncement and reviewing court will correct minute entry if record clearly identifies intended sentence).

¶6 In our examination of the record, we have found no fundamental or reversible error and no non-frivolous issue warranting further appellate review. *Anders*, 386 U.S. at 744. Therefore, we affirm

³We cite to the current version of the statutes in this decision, as they have not changed in relevant part since Campbell committed his offenses.

STATE v. CAMPBELL
Decision of the Court

Campbell's convictions and sentences but correct the sentencing order accordingly.