

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOHN ARTHUR MOSS,
Appellant.

No. 2 CA-CR 2019-0090
Filed May 27, 2020

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NOT FOR PUBLICATION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 Pima County
No. CR20162858001
The Honorable Casey F. McGinley, Judge
The Honorable Kimberly H. Ortiz, Judge Pro Tempore

AFFIRMED

COUNSEL

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

STATE v. MOSS
Decision of the Court

MEMORANDUM DECISION

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

V Á S Q U E Z, Chief Judge:

¶1 After a jury trial in 2018, John Moss was convicted of possession of a deadly weapon by a prohibited possessor. The trial court found Moss had two historical prior felony convictions and that he was on probation when he committed the charged offense, and sentenced him to the presumptive, enhanced ten-year prison term. Counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), asserting he has reviewed the record but found no issue that “is not frivolous” and asking this court to review the record for fundamental error. Moss has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence at trial was sufficient to support the jury’s finding of guilt. *See* A.R.S. §§ 13-3101(A)(1), (7)(b), 13-3102(A)(4). The evidence establishes that on June 21, 2016, during a visit to Moss’s home, probation officers discovered a handgun and two full magazines of ammunition on his person. Moss, who was a convicted felon and on probation at that time, told an officer that he was a prohibited possessor and that he had not had his right to possess a firearm restored. He testified at trial that he had intentionally possessed a gun on the day of the incident. And sufficient evidence supports the trial court’s finding that Moss had two historical prior felony convictions, and he was on probation when he committed the underlying offense. *See* A.R.S. § 13-105(22)(c). His sentence is within the statutory limits and was lawfully imposed. *See* A.R.S. §§ 13-703(C), (J), 13-708(C).

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