

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

BAUDELIO CAMACHO,
Appellant.

No. 2 CA-CR 2019-0095
Filed May 15, 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NOT FOR PUBLICATION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. CR20175532001
The Honorable Howard Fell, Judge Pro Tempore

AFFIRMED AS CORRECTED

COUNSEL

Joel Feinman, Pima County Public Defender
By Abigail Jensen, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Eppich authored the decision of the Court, in which Judge Espinosa and Judge Eckerstrom concurred.

E P P I C H, Presiding Judge:

¶1 After a jury trial and bench trial, Baudelio Camacho was convicted of possessing a deadly weapon as a prohibited possessor and fleeing from a law-enforcement vehicle.¹ The trial court found Camacho had two historical prior felony convictions and that he was on probation when he committed the charged offenses, and sentenced him to concurrent five and ten-year prison terms.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), stating she has reviewed the record but found no “arguably meritorious issue to raise on appeal” and asking this court to review the record for error. Camacho has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, *see* A.R.S. §§ 13-3101(A)(1), (7), 13-3102(A)(4), (M), 28-622.01, 28-624(C). In November 2017, while driving at “a high rate of speed” and running red lights, Camacho fled from a police officer who had activated his emergency lights and siren and had directed a spotlight at Camacho’s vehicle. A mobile police recording device showed “a black object com[ing] out of the [front passenger] window” of the vehicle Camacho was driving, and officers subsequently located a handgun “a couple feet away from the car” after it had stopped. Camacho, who was a convicted felon whose right to possess a firearm had not been restored, was the sole occupant of the vehicle; a subsequent search of the vehicle yielded a holster which matched

¹The trial court granted Camacho’s motion to sever the two counts. Although the first trial on the prohibited possession charge resulted in a mistrial, a jury subsequently convicted Camacho of that charge. Camacho then agreed to a bench trial on the charge of fleeing from a law-enforcement vehicle, and the court convicted him of that offense.

²Counsel incorrectly states Camacho received a 2.5-year sentence for fleeing from a law-enforcement vehicle.

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the gun officers had found near the car.³ And sufficient evidence supports the trial court's finding that Camacho had two historical prior felony convictions and that he was on probation when he committed the underlying offenses. See A.R.S. § 13-105(22). The sentences imposed are within the statutory range. See A.R.S. §§ 13-703(C), (J), 13-708.

¶3 In our review of the record pursuant to *Anders*, we noted that, although the trial court stated at sentencing the conviction for fleeing from a law-enforcement vehicle was a nonrepetitive offense, the written sentencing order, the presentence report, and the sentence itself correctly reflect that it was repetitive. See *State v. Lopez*, 230 Ariz. 15, n.2 (App. 2012) ("When we can ascertain the trial court's intent from the record, we need not remand for clarification."). We also noticed that both the sentencing transcript and order generally refer to Camacho having been found guilty after a jury trial. Although this is correct regarding the prohibited possession count, as previously noted, Camacho was convicted of fleeing from a law-enforcement vehicle after a bench trial. Therefore, the sentencing order shall be corrected to reflect that Camacho was convicted of fleeing from a law-enforcement vehicle after a bench trial. See *State v. Vandever*, 211 Ariz. 206, ¶ 16 (App. 2005) (appellate court must correct inadvertent error in sentencing minute entry).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Camacho's convictions and sentences but correct the sentencing order accordingly.

³Before the jury rendered its verdict, Camacho agreed to admit he was on probation at the time the incident occurred.