

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

TIMOTHY MICHAEL AGUIRRE,
Appellant.

No. 2 CA-CR 2019-0157
Filed May 28, 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NOT FOR PUBLICATION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. CR20183927001
The Honorable John Hinderaker, Judge

AFFIRMED

COUNSEL

James Fullin, Pima County Legal Defender
By Jeffrey Kautenburger, Assistant Legal Defender, Tucson
Counsel for Appellant

STATE v. AGUIRRE
Decision of the Court

MEMORANDUM DECISION

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

ECKERSTROM, Judge:

¶1 After a jury trial, appellant Timothy Aguirre was convicted of aggravated driving with an illegal drug or its metabolite while his license was suspended and revoked. The trial court sentenced him to an enhanced, minimum prison term of eight years. 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 he has reviewed the record and “has found no tenable issue to raise on appeal.” Counsel has asked us to search the record for fundamental error. Aguirre has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, see *State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence was sufficient to support the jury’s finding of guilt, see A.R.S. §§ 13-3401(6)(c)(xxxviii), 28-1381(A)(1), 28-1383(A)(3). The evidence presented at trial showed that Aguirre, who had two prior convictions for aggravated driving under the influence and whose driver license was suspended and revoked, was stopped driving a truck with methamphetamine in his blood. We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 13-703(J), 28-1383(O)(1).

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