

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

MANUEL SALCIDO,
Appellant.

No. 2 CA-CR 2019-0172
Filed May 4, 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NOT FOR PUBLICATION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 Cochise County
No. S0200CR201200303
The Honorable Timothy B. Dickerson, Judge

AFFIRMED

COUNSEL

Cochise County Office of the Legal Advocate, Bisbee
By Xochitl Orozco, Legal Advocate
Counsel for Appellant

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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 Pursuant to a plea agreement in 2013, appellant Manuel Salcido was convicted of two counts of attempted molestation of a child. The trial court sentenced him to a minimum prison term of five years on the first count, but it suspended the imposition of sentence on the second, ordering that Salcido be placed on lifetime probation after his release from prison.

¶2 In November 2018, after Salcido had been released from prison, the state filed a petition to revoke his probation because Salcido had used opiates and committed various drug offenses. After a contested probation revocation hearing, the trial court found that Salcido had violated the conditions of his probation and sentenced him to an aggravated, fifteen-year prison term. On appeal, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), stating she has reviewed the record and “has found no arguable question of law that is not frivolous.” Consistent with *State v. Clark*, 196 Ariz. 530, ¶ 30 (App. 1999), counsel has provided “a detailed factual and procedural history of the case, with citations to the record,” and has asked us to search the record for reversible error. Salcido has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the trial court’s finding that Salcido had violated the conditions of his probation, the evidence is sufficient here. See *State v. Vaughn*, 217 Ariz. 518, n.2 (App. 2008). The conditions of Salcido’s probation provided that he was to “maintain a crime-free lifestyle” by not “participating in any criminal activity” and that he would “not possess or use illegal drugs or controlled substances” and would submit to drug testing. He signed an acknowledgment, confirming his understanding of those conditions. Yet, Salcido admitted to heroin use in August 2018, tested positive for opiates in September 2018, and admitted to both using and selling heroin in October 2018. While executing a search warrant at Salcido’s residence, officers

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found heroin, along with paraphernalia commonly used for processing or packaging the drug. We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 13-705(D), (J), 13-1001(C)(2), 13-1410(B).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for reversible error and have found none. Therefore, we affirm the trial court's finding that Salcido had violated the conditions of his probation and the sentence imposed.