

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

DANNY RAY KEE JR.,
Appellant.

No. 2 CA-CR 2019-0294
Filed August 7, 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NOT FOR PUBLICATION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. CR20184286001
The Honorable James E. Marner, Judge

AFFIRMED

COUNSEL

James Fullin, Pima County Legal Defender
By Alex D. Heveri, Assistant Legal Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

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

STARING, Presiding Judge:

¶1 After a jury trial held in his absence, Danny Kee Jr. was convicted of aggravated driving under the influence of an intoxicant (DUI) while his license was suspended, revoked, or restricted; aggravated driving with an illegal drug or its metabolite in his body while his license was suspended, revoked, or restricted; aggravated DUI having committed or been convicted of two or more prior DUI violations within eighty-four months; and aggravated driving with an illegal drug or its metabolite in his body having committed or been convicted of two or more prior DUI violations within eighty-four months. The trial court sentenced him to partially mitigated, concurrent prison terms of seven years each.

¶2 On appeal, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), stating she has “reviewed the entire record and was unable to find any meritorious issue to raise.” 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. Kee has not filed a supplemental brief.

¶3 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. §§ 13-3401, 28-1381(A)(1), (3), 28-1383(A)(1), (2). In March 2018, when officers pulled over Kee for making a wide left turn, he had bloodshot, watery eyes and slurred speech, and he admitted to using marijuana—without a medical card—and methamphetamine. Kee exhibited signs of intoxication and admitted that his license had been suspended. Officers confirmed that his license was suspended; testing of Kee’s blood showed the presence of THC,¹ the active ingredient of

¹Tetrahydrocannabinol.

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marijuana, and methamphetamine; and Kee had at least two prior DUI convictions within eighty-four months of the current offense.

¶4 The record also supports the trial court's finding that Kee had two historical prior felony convictions. The sentences imposed are within the statutory range. *See* A.R.S. §§ 13-703(C), (J), 28-1383(O)(1).

¶5 Pursuant to our obligation under *Anders*, we have searched the record for reversible error and have found none. Therefore, we affirm Kee's convictions and sentences.