

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

DIEGO ACOSTA,
Appellant.

No. 2 CA-CR 2020-0053
Filed May 26, 2021

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NOT FOR PUBLICATION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. CR20191124001
The Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

COUNSEL

Erin E. Duffy, Tucson
Counsel for Appellant

STATE v. ACOSTA
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Espinosa authored the decision of the Court, in which Vice Chief Judge Staring and Judge Eckerstrom concurred.

ESPINOSA, Presiding Judge:

¶1 After a jury trial, Diego Acosta was convicted of possession of a deadly weapon by a prohibited possessor. The trial court sentenced him to an enhanced, mitigated prison term of six years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), stating she has reviewed the record and was “unable to find any arguably meritorious issues to raise on appeal.” 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 error. Acosta has not filed a supplemental brief.

¶3 Viewed in the light most favorable to affirming the jury’s verdict, *see State v. Miles*, 211 Ariz. 475, ¶ 2 (App. 2005), the evidence is sufficient here, *see A.R.S. § 13-3102(A)(4)*. In March 2019, officers stopped Acosta for a traffic violation, and, during a subsequent search of the vehicle he was driving, they found a loaded nine-millimeter handgun under the front passenger seat. Acosta admitted the gun belonged to him. He had previously been convicted of a felony, and his civil right to possess or carry a firearm had not been restored.

¶4 The record also supports the trial court’s finding of two historical prior felony convictions. And the sentence imposed is within the statutory range. *See A.R.S. §§ 13-703(C), (J), 13-3102(M)*.

¶5 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, prejudicial error and have found none. *See State v. Fuller*, 143 Ariz. 571, 575 (1985). Accordingly, Acosta’s conviction and sentence are affirmed.