

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

JOSEPH ALEXANDER CASTILLO,  
*Appellant.*

No. 2 CA-CR 2021-0079  
Filed March 7, 2022

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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NOT FOR PUBLICATION  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).*

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Appeal from the Superior Court in Pima County  
No. CR20174662001  
The Honorable Gus Aragon, Judge  
The Honorable Brenden J. Griffin, Judge

**AFFIRMED**

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COUNSEL

Emily Danies, Tucson  
*Counsel for Appellant*

**MEMORANDUM DECISION**

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

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STARING, Vice Chief Judge:

¶1 Following a 2018 jury trial in absentia, appellant Joseph Castillo was convicted of possession of a narcotic drug for sale (cocaine), possession of a dangerous drug for sale (methamphetamine),<sup>1</sup> possession of a narcotic drug (oxycodone), possession of marijuana, and possession of drug paraphernalia.<sup>2</sup> In September 2021, the trial court sentenced Castillo to concurrent minimum prison terms, the longest of which is five 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 she has reviewed the record and has found no “arguable question of law” to raise on appeal. Counsel has asked us to search the record for fundamental error. Castillo has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the jury’s verdicts, *see State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence is sufficient here, *see* A.R.S. §§ 13-3401(6)(c)(xxxviii), (20)(bb), (ttt), (21)(dd), (36)(b), (e), 13-3405(A)(1),<sup>3</sup> 13-3407(A)(2), 13-3408(A)(1), (2),<sup>4</sup> 13-3415(A).<sup>5</sup> In October 2017, police officers stopped the vehicle Castillo was driving for

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<sup>1</sup>The jury found the amount of cocaine and methamphetamine were both “9 grams or more.”

<sup>2</sup>The trial court severed an additional count for possession of a weapon by a prohibited possessor and later dismissed that charge without prejudice.

<sup>3</sup>We cite to the version of the statute in effect on October 2, 2017, the date of Castillo’s offenses. *See* 2010 Ariz. Sess. Laws, ch. 194, § 6.

<sup>4</sup>Here, too, we cite to the version of the statute in effect in 2017. *See* 2008 Ariz. Sess. Laws, ch. 301, § 74.

<sup>5</sup>Again, we cite to the version of the statute in effect in 2017. *See* 1996 Ariz. Sess. Laws, ch. 217, § 5.

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a traffic violation. Officers smelled marijuana as they approached the vehicle, and Castillo stated he had a weapon. Officers discovered marijuana, a small amount of a white powdery substance, and \$610.25 in cash in Castillo's pocket. They also discovered a jar of marijuana, a large bag of cocaine, a bag of methamphetamine, several oxycodone pills, a digital scale, small baggies, and unlabeled prescription pill bottles inside the vehicle. Castillo told the officers he was both using and selling the drugs. According to an officer, the quantity of drugs found on Castillo's person and inside the vehicle, in addition to the cash, scale, baggies, and pill bottles, indicated the drugs were "possessed for sale purchases." We further conclude the sentences imposed are within the statutory limits. See A.R.S. §§ 13-702(D), 13-3405(B)(1), 13-3407(B)(2), (E), 13-3408(B)(1), (2), 13-3415(A).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, prejudicial error and have found none. Therefore, Castillo's convictions and sentences are affirmed.