

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

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SEP 24 2009
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2008-0413
)	DEPARTMENT B
v.)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
JOSEPH M. COOPER,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. CR200600542

Honorable Boyd T. Johnson, Judge

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 Appellant Joseph Cooper was convicted after a jury trial of possession of a dangerous drug and possession of drug paraphernalia. The jury was unable to reach a verdict on the additional charges of manslaughter, aggravated driving under the influence of an

intoxicant (DUI), and aggravated driving with a drug or its metabolite in his body, and the trial court declared a mistrial as to those offenses. Cooper subsequently agreed to resolve those charges by pleading guilty to an amended charge of negligent homicide and aggravated DUI. The court sentenced him to concurrent terms of imprisonment for the negligent homicide and aggravated DUI convictions, the longer of which was 2.5 years. And, it placed him on concurrent terms of supervised probation for possession of a dangerous drug, possession of drug paraphernalia, and aggravated DUI, the longest of which was four years, to be served consecutively to the 2.5-year prison term.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *Clark*, counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Cooper has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established Cooper was apparently thrown from his vehicle after it had gone off the road into a ditch. As he was being transferred for medical care, an Arizona Department of Public Safety officer looked in Cooper’s wallet for

identification and discovered a small plastic bag containing a crystalline substance later determined to be methamphetamine.

¶4 Substantial evidence supported findings of all the elements necessary for Cooper's convictions, *see* A.R.S. §§ 13-3407(A)(1), 13-3415(A), and the terms of probation ordered by the trial court are within the contemplation of A.R.S. § 13-902(A)(3), (4). We have reviewed the record pursuant to *Anders* and have found no reversible error and no arguable issue warranting further appellate review. We therefore affirm Cooper's convictions and dispositions.

PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

GARYE L. VÁSQUEZ, Judge

ANN A. SCOTT TIMMER, Judge*

*The Honorable Ann A. Scott Timmer, Chief Judge of Division One of the Arizona Court of Appeals, is authorized to participate in this appeal pursuant to A.R.S. § 12-120(F) (2003).