

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

EDGAR EDUARDO HERNANDEZ,
Appellant.

No. 2 CA-CR 2016-0109
Filed November 8, 2016

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NOT FOR PUBLICATION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. 31.24.

Appeal from the Superior Court in Pima County
No. CR20142510005
The Honorable Casey F. McGinley, Judge Pro Tempore

AFFIRMED

COUNSEL

Dean Brault, Pima County Legal Defender
By Joy Athena, Assistant Legal Defender, Tucson
Counsel for Appellant

STATE v. HERNANDEZ
Decision of the Court

MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Howard and Judge Staring concurred.

ESPINOSA, Judge:

¶1 Following a jury trial, appellant Edgar Hernandez was convicted of possession of less than two pounds of marijuana for sale and possession of more than nine grams of methamphetamine for sale. The trial court sentenced him to presumptive and “slightly mitigated,” concurrent prison terms, the longer of which is 7.5 years. 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), stating she has reviewed the record and has found no “meritorious issue to raise on appeal.” Counsel has asked us to search the record for fundamental error. Hernandez has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. See *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed Hernandez and another man met a confidential informant for the state outside a business and sold him approximately 756 grams of marijuana and 28 grams of methamphetamine for \$1700. We further conclude the sentences imposed are within the statutory limit. See A.R.S. §§ 13-703(B), (I), 13-3405(A)(2), (B), 13-3407(A)(2), (B)(2).

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