

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JORGE LUIS HERNANDEZ,
Appellant.

No. 2 CA-CR 2016-0113
Filed September 23, 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NOT FOR PUBLICATION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 Pinal County
No. S1100CR201402733
The Honorable Steven J. Fuller, Judge

AFFIRMED AS CORRECTED

COUNSEL

Harriette P. Levitt, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

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

ESPINOSA, Judge:

¶1 After a jury trial, Jorge Hernandez was convicted of promoting prison contraband and possession of a narcotic drug. The trial court sentenced him to enhanced, concurrent prison terms, the longer of which was 10.5 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), asserting she has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for error. Hernandez has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. Hernandez was incarcerated in a private prison; a corrections officer found a usable quantity of heroin concealed near his bunk in his cell. A.R.S. §§ 13-2501(1), (2), 13-2505(A)(3), 13-3401(20)(jjj), (21)(m), 13-3408(A)(1). And sufficient evidence supports the trial court’s finding that Hernandez had at least two historical prior felony convictions. His sentences are within the statutory range and were properly imposed. A.R.S. §§ 13-703(C), (J), 13-2505(G), 13-3408(B)(1). We note, however, that the trial court’s sentencing minute entry incorrectly states Hernandez was sentenced as a nonrepetitive offender. We therefore correct the sentencing minute entry to reflect that he was sentenced pursuant to § 13-703 as a repetitive offender.

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¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Hernandez's convictions and sentences, as corrected, are affirmed.