

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

DAVID ERNESTO RAMIREZ,  
*Appellant.*

No. 2 CA-CR 2016-0184  
Filed October 6, 2016

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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NOT FOR PUBLICATION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. 31.24.*

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Appeal from the Superior Court in Pinal County  
No. S1100CR201502592  
The Honorable Richard T. Platt, Judge Pro Tempore  
The Honorable Kevin D. White, Judge

**AFFIRMED AS CORRECTED**

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COUNSEL

Lynn T. Hamilton, Mesa  
*Counsel for Appellant*

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Brammer<sup>1</sup> concurred.

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V Á S Q U E Z, Presiding Judge:

¶1 Following a jury trial, appellant David Ramirez was convicted of possession of heroin and possession of drug paraphernalia. The trial court sentenced him to presumptive, concurrent terms of imprisonment, the longer of which was ten years. Counsel has filed a brief relying on *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 “non-frivolous issues” to raise on appeal. Counsel has asked us to search the record for fundamental error. Ramirez has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support the jury’s findings of guilt. See *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed Ramirez had a syringe containing heroin in his pocket, as well as a usable amount of heroin in a bag and a can with heroin residue in his vehicle. We further conclude the sentences imposed are within the statutory limits.<sup>2</sup> See A.R.S. §§ 13-703(C), (J), 13-3408(A)(1), (B)(1), 13-3415(A).

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<sup>1</sup>The Hon. J. William Brammer Jr., a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

<sup>2</sup>In its minute entry the trial court indicated Ramirez was to receive a 3.75-year sentence on the conviction for heroin possession. But that term is inconsistent with the sentence the court ordered on the record at sentencing, as well as other portions of the minute

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¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Ramirez's convictions and sentences.

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entry, including the statutory citations and felony class. Ramirez's opening brief likewise states that the sentence was ten years. We therefore order the minute entry corrected to reflect the ten-year sentence imposed. *See State v. Ovante*, 231 Ariz. 180, ¶ 38, 291 P.3d 974, 982 (2013).