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

FILED BY CLERK
JAN 12 2011
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2010-0159
	)	DEPARTMENT B
Appellee,	)	
	)	MEMORANDUM DECISION
v.	)	Not for Publication
	)	Rule 111, Rules of
ISAAC JAMES MARTINEZ, SR.,	)	the Supreme Court
	)	
Appellant.	)	
	)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. CR200800975

Honorable Janna L. Vanderpool, Judge

AFFIRMED

Harriette P. Levitt — Tucson
Attorney for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 After a jury trial, appellant Isaac Martinez was convicted of aggravated assault, a dangerous-nature offense, and sentenced to a mitigated, five-year prison term. Counsel has filed a brief pursuant to *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 arguably meritorious 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. Martinez has not filed a supplemental brief.

¶2 We conclude substantial evidence supported the jury's verdict. *See* A.R.S. §§ 13-1203(A)(2), 13-1204(A)(2). In sum, while involved in a traffic altercation, Martinez fired gunshots from a vehicle, striking another vehicle's windshield and causing its driver to be injured by shattered glass. In addition, Martinez's sentence was within the range authorized.[1] *See* § 13-704(A).[2]

---

[1]We are aware that the trial court's signed minute entry sentencing Martinez to a five-year prison term is inconsistent with the sentencing transcript, which indicates the court ordered Martinez sentenced to a "mitigated term of five and a half years." Although the oral pronouncement of sentence controls in resolving this discrepancy, *see State v. Mason*, 225 Ariz. 323, ¶ 14, 238 P.3d 134, 140 (App. 2010), we lack authority to correct the court's minute entry because the error inures to Martinez's benefit and the state has not filed a cross-appeal. *See State v. Dawson*, 164 Ariz. 278, 280-82, 792 P.2d 741, 743-45 (1990); *cf.* Ariz. R. Crim. P. 24.3 (permitting trial court's correction of "unlawful sentence or one imposed in an unlawful manner within 60 days of the entry of judgment and sentence but before the defendant's appeal, if any, is perfected"); *State v. Bryant*, 219 Ariz. 514, ¶¶ 8, 11, 200 P.3d 1011, 1013-14 (App. 2008) (pursuant to Rule 24.3, trial court must correct unlawful sentence within sixty days "or the sentence will stand").

[2]The Arizona criminal sentencing code has been renumbered, effective "from and after December 31, 2008." *See* 2008 Ariz. Sess. Laws, ch. 301, §§ 1-120. For ease of

¶3 In our examination of the record pursuant to *Anders*, we have found no fundamental or reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Martinez's conviction and sentence.

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

---

reference and because no changes in the statutes are material to the issues in this case, *see id.* § 119, we refer in this decision to the current section numbers rather than those in effect when Martinez committed this offense.