

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

JUL -2 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0340
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JAMES KRIS NEUMAN,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR201000846

Honorable Boyd T. Johnson, Judge

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

MILLER, Judge.

¶1 Following a jury trial, appellant James Neuman was convicted of manslaughter. The trial court imposed a slightly mitigated, 8.5-year term of imprisonment. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the record and found “no arguable issues” to raise on appeal. She asks us to search the record for “error.” In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has provided “a detailed factual and procedural history of the case with citations to the record.” Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, and we conclude it supports counsel’s recitation of the facts. Neuman has not filed a supplemental brief.

¶2 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 that in April 2009, several people reported seeing an individual, later identified as Neuman, driving on the wrong side of the road into oncoming traffic. Neuman collided with the victim’s vehicle, and the victim died as a result of “blunt force injuries” from the accident. Shortly after the accident, Neuman acknowledged to the police that he had “narcotics in [his] blood” and that he had “smoked a little dope.” Neuman had been cautioned not to take some of those substances, which were in fact found in his blood at the time of the accident, before driving, because they could cause drowsiness or slow “reaction times,” and testimony at trial established that they could cause a driver to “[c]ross[] the lane [and] driv[e] on the wrong side.” We conclude substantial evidence supported findings of the elements necessary for Neuman’s

conviction, *see* A.R.S. §§ 13-1103(A)(1), 13-105(10)(c), and his sentence is within the authorized range, *see* A.R.S. § 13-704(A).

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

/s/ Michael Miller

MICHAEL MILLER, Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge*

*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Order filed December 12, 2012.