

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

JUN 17 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0402
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
ENRIQUE SAAVEDRA,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20113444011

Honorable Scott Rash, Judge

AFFIRMED

Altfeld & Battaile P.C.
By Robert A. Kerry

Tucson
Attorneys for Appellant

M I L L E R, Judge.

¶1 After a jury trial, appellant Enrique Saavedra was convicted of aggravated driving under the influence of an intoxicant (DUI) while his license was suspended or revoked. The trial court found he had two historical prior felony convictions and sentenced him to an enhanced, minimum prison term of eight years.

¶2 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 he has reviewed the entire record and found no arguable question of law to raise on appeal. Consistent with *Clark*, he has provided “a detailed factual and procedural history of the case with citations to the record,” 196 Ariz. 530, ¶ 32, 2 P.3d at 97, and asks this court to search the record for fundamental error.

¶3 We view 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), and conclude the evidence was sufficient to support these convictions. *See* A.R.S. §§ 28-1381(A)(1); 28-1383(A)(1) .

¶4 At approximately 9:40 p.m. on September 26, 2011, an Arizona Department of Public Safety officer saw Saavedra drive his truck through “a solid red light” and initiated a traffic stop. A “strong odor of intoxicants” was “coming from the window” of the truck, and he noticed Saavedra’s eyes were “bloodshot and . . . watery” and his speech slow and slurred. The officer administered field sobriety tests that revealed signs of intoxication, arrested Saavedra for DUI and informed him of his

*Miranda*¹ rights, and, at 10:26 p.m., drew a blood sample that was later analyzed as having an alcohol content of .157. The custodian of records for the Arizona Motor Vehicles Division testified that Saavedra's driver license had been both suspended and revoked on the date of his arrest. Saavedra was represented by counsel, and his sentence was authorized by statute and imposed in a lawful manner. *See* A.R.S. § 13-703(J).

¶5 In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Saavedra's convictions and sentences.

/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.

¹*Miranda v. Arizona*, 384 U.S. 436 (1966).