

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

DEREK DALE ROWE,
Appellant.

No. 2 CA-CR 2013-0322
Filed February 18, 2014

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NOT FOR PUBLICATION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); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Cochise County

No. CR201000507

The Honorable James L. Conlogue, Judge

AFFIRMED

COUNSEL

Law Office of Daniel DeRienzo, PLLC, Prescott Valley
by Daniel J. DeRienzo
Counsel for Appellant

STATE v. ROWE
Decision of the Court

MEMORANDUM DECISION

Chief Judge Howard authored the decision of the Court, in which Presiding Judge Vásquez and Judge Miller concurred.

H O W A R D, Chief Judge:

¶1 Derek Rowe was convicted after a jury trial of possession of marijuana for sale and sentenced to a presumptive, five-year prison term. 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 he 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, he 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. Rowe has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), we find sufficient evidence supports the jury’s findings. Rowe had nearly ninety pounds of marijuana in his apartment before he and other individuals packed it into boxes and loaded the boxes into a rental car. A.R.S. § 13-3405(A)(2), (B)(6). Rowe’s prison term is within the statutory limits and was imposed properly. A.R.S. §§ 13-702(D), 13-3405(B)(6).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Rowe’s conviction and sentence are affirmed.