

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

DANIEL SCOTT KEMPKER,
Appellant.

No. 2 CA-CR 2014-0313
Filed April 15, 2015

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NOT FOR PUBLICATION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.

Appeal from the Superior Court in Cochise County

No. CR201300497

The Honorable Wallace R. Hoggatt, Judge

AFFIRMED

COUNSEL

Zohlmann Law Offices, Tombstone
By Robert J. Zohlmann
Counsel for Appellant

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MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Chief Judge Eckerstrom and Presiding Judge Miller concurred.

ESPINOSA, Judge:

¶1 After a jury trial, Daniel Kempker was convicted of transportation for sale of over two pounds of marijuana, possessing a deadly weapon during the commission of a felony drug offense, conspiracy to commit transportation of marijuana for sale, possession of methamphetamine, and possession of drug paraphernalia. The jury further found the offenses were committed in the presence of an accomplice. The trial court sentenced Kempker to concurrent and consecutive, presumptive prison terms totaling 7.5 years.

¶2 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. Kempker has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports the jury’s verdicts here. Kempker and another individual were arrested after law enforcement officers found 242 pounds of marijuana in their vehicle’s trailer pursuant to a consensual search during a traffic stop; Kempker admitted that a loaded firearm found near the vehicle passenger seat belonged to him, and he was carrying a bag of methamphetamine and a glass pipe with methamphetamine residue. A.R.S. §§ 13-1003(A); 13-3102(A)(8); 13-3401(6)(a)(xxxviii); 13-

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3405(A)(4); 13-3407(A)(1); 13-3415(A), (F)(2). His prison terms are within the statutory limit and were imposed properly. A.R.S. §§ 13-1003(D); 13-3102(M); 13-3405(B)(11), (C); 13-3407(B)(1); 13-3415(A).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental 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). Accordingly, Kempker's convictions and sentences are affirmed.