

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

KRISTELL ROBERTO AGUIAR,  
*Appellant.*

No. 2 CA-CR 2014-0415  
Filed May 27, 2015

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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NOT FOR PUBLICATION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.*

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Appeal from the Superior Court in Pima County  
No. CR20132468001  
The Honorable Casey F. McGinley, Judge Pro Tempore

**AFFIRMED**

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COUNSEL

Isabel G. Garcia, Pima County Legal Defender  
By Alex D. Heveri, Assistant Legal Defender, Tucson  
*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.

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ESPINOSA, Judge:

¶1 After a jury trial, appellant Kristell Aguiar was convicted of possession of methamphetamine for sale, possession of a narcotic drug for sale, and possession of drug paraphernalia. The trial court sentenced Aguiar to mitigated, concurrent terms of imprisonment, the longest of which is five years. 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 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. Aguiar has not filed a supplemental brief.

¶2 We conclude substantial evidence supported the jury’s verdicts. See A.R.S. §§ 13-3407(A)(2), 13-3408(A)(2), 13-3415. In sum, a Tucson police officer contacted Aguiar in an apartment complex parking lot and took him into custody for unrelated, lawful reasons. During a search of Aguiar’s pockets incident to his arrest, the officer found small, plastic bags containing methamphetamine and cocaine, both packaged in a manner and in amounts suggesting the drugs were intended for sale. After the officer read him his rights pursuant to *Miranda*,<sup>1</sup> Aguiar identified a pipe found in a nearby vehicle as his methamphetamine pipe. We further conclude the sentences imposed were authorized by statute and in a lawful manner. See A.R.S. §§ 13-702(D), 13-3407(E).

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<sup>1</sup>*Miranda v. Arizona*, 384 U.S. 436 (1966).

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¶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, Aguiar's convictions and sentences are affirmed.