

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

MALCOLM DEANGELO CORINTHINA MILLINER,  
*Appellant.*

No. 2 CA-CR 2015-0276  
Filed May 4, 2016

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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NOT FOR PUBLICATION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. CR20134563001  
The Honorable Jane L. Eikleberry, Judge

**AFFIRMED**

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COUNSEL

Steven R. Sonenberg, Pima County Public Defender  
By Katherine A. Estavillo, Assistant Public Defender, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

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

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ECKERSTROM, Chief Judge:

¶1 After a jury trial, Malcolm Milliner was convicted of two counts of aggravated assault with a deadly weapon or dangerous instrument and one count each of negligent homicide, aggravated assault causing serious physical injury, endangerment, driving with an illegal drug or its metabolite in his system, and driving under the influence. The trial court imposed concurrent prison terms for the felony offenses, the longest of which was five years, and concurrent jail terms for the misdemeanor driving convictions.

¶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 she 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, 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. Milliner has not filed a supplemental brief.

¶3 Viewing 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), sufficient evidence supports them here. *See* A.R.S. §§ 13-1102(A); 13-1201(A); 13-1203(A); 13-1204(A)(1), (2); 28-1381(A)(1), (3). Milliner drank alcohol and smoked marijuana at a party, and shortly thereafter drove his vehicle over a median, causing it to overturn. Milliner’s blood alcohol concentration was .06 about one hour after the accident, and the active metabolite of marijuana was found in his blood. One passenger was killed, another suffered a broken spine, and two

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others received less-serious injuries. His sentences are within the statutory range and were properly imposed. *See* A.R.S. §§ 13-704(A); 13-707(A)(1); 13-1102(C); 13-1201(B); 13-1204(D); 28-1381(C).

¶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). We therefore affirm Milliner's convictions and sentences.