

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

OSCAR MIGUEL MARTINEZ,  
*Appellant.*

No. 2 CA-CR 2016-0040  
Filed June 6, 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NOT FOR PUBLICATION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. CR20150748001  
The Honorable Carmine Cornelio, Judge

**AFFIRMED**

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COUNSEL

Nicole Farnum, Phoenix  
*Counsel for Appellant*

STATE v. MARTINEZ  
Decision of the Court

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**MEMORANDUM DECISION**

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

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M I L L E R, Judge:

¶1 After a jury trial, Oscar Martinez was convicted of aggravated driving while under the influence of an intoxicant and aggravated driving with a blood alcohol concentration (BAC) of .08 or greater, both with a suspended or revoked license. He was sentenced to concurrent, one-year prison terms for each offense. Counsel asks us to search the record for error, asserting she has reviewed the record but found no arguable issue to raise on appeal and citing *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Martinez has not filed a supplemental brief.

¶2 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. In February 2015, a deputy sheriff stopped Martinez, whose driver's license had been suspended and revoked, for speeding, and subsequently investigated him for driving under the influence; Martinez had been driving erratically and performed poorly on field sobriety tests, and laboratory testing of a sample of his blood obtained pursuant to a warrant showed his BAC was .17. A.R.S. §§ 8-1381(A)(1), (2); 28-1383(A)(1). And sufficient evidence supports the trial court's conclusion that Martinez has a previous felony conviction. His sentences are within the statutory range and were properly imposed. A.R.S. §§ 13-703(A), (H); 28-1383(L)(1).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State*

STATE v. MARTINEZ  
Decision of the Court

*v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). We therefore affirm Martinez's convictions and sentences.