

NOTICE: NOT FOR PUBLICATION.  
UNDER ARIZ. R. SUP. CT. 111(c), THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

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

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STATE OF ARIZONA, *Appellee*,

*v.*

ALFRED HENRY HALL, *Appellant*.

No. 1 CA-CR 12-0744

FILED 12-5-2013

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Appeal from the Superior Court in Maricopa County

No. CR2010-165015-001

The Honorable Sherry K. Stephens, Judge

**AFFIRMED**

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COUNSEL

Arizona Attorney General's Office, Phoenix  
By Joseph T. Maziarz

*Counsel for Appellee*

Maricopa County Public Defender's Office, Phoenix  
By Tennie B. Martin

*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Randall M. Howe delivered the decision of the Court, in which Presiding Judge Peter B. Swann and Judge Lawrence F. Winthrop joined.

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**H O W E**, Judge:

¶1 This appeal is filed in accordance with *Anders v. California*, 386 U.S. 738 (1967) and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Alfred Henry Hall asks this court to search the record for fundamental error. Hall was given an opportunity to file a supplemental brief in propria persona. He has not done so. After reviewing the record, we affirm Hall's convictions and sentences for possession of dangerous drugs and possession of drug paraphernalia.

**FACTS & PROCEDURAL HISTORY**

¶2 We view the facts in the light most favorable to sustaining the trial court's judgment and resolve all reasonable inferences against Hall. *State v. Fontes*, 195 Ariz. 229, 230 ¶ 2, 986 P.2d 897, 898 (App. 1998).

¶3 On December 11, 2010, Maricopa County Sherriff's Office (MCSO) Deputy J.C. was on routine patrol when he observed Hall cause the driver of another vehicle to slam on the brakes to avoid collision. Deputy J.C. followed Hall and noted additional traffic infractions, including failure to use a turn signal and erratic braking. Upon initiating a traffic stop, Deputy J.C. observed that Hall appeared "very nervous, more nervous than a normal person would on [a] traffic stop." The deputy also noted that Hall failed to interact with him, and that he was "looking down at the car, looking away from me." Hall gave the deputy his driver's license and vehicle registration, which revealed that the vehicle was registered to Hall.

¶4 Suspecting the vehicle contained contraband, Deputy J.C. asked Hall to get out of the vehicle. Initially hesitant, Hall eventually did so. Deputy J.C. then asked if the vehicle contained any contraband, and Hall said "No." When the deputy asked if he could search the vehicle, Hall replied, "No. I'm not the registered owner of the vehicle. It doesn't belong to me." When asked why the vehicle was registered to him, Hall responded that the vehicle belonged to his mom and that he only drives it

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occasionally. Throughout the investigation, Deputy J.C. observed that Hall appeared “[v]ery nervous, very antsy, just kind of not direct, looking around, not wanting to make eye contact.”

¶5 Deputy J.C. contacted dispatch to bring a narcotics K-9 unit. When the K-9 alerted to two different areas of the vehicle, Hall was arrested and advised of his *Miranda*<sup>1</sup> rights. The deputy searched the vehicle and found a baggie containing methamphetamine and marijuana. When Hall was asked if he knew what was discovered in his vehicle, he said that he saw a “roach” and what he “believed was marijuana.” Hall also stated that there was “probably meth” in the vehicle.

¶6 Hall was charged by information with possession of dangerous drugs, a class four felony; and possession of drug paraphernalia and possession of marijuana, class six felonies. Although Hall appeared for his arraignment and initial pretrial conference, he failed to appear for the comprehensive pretrial conference. Finding that Hall was aware of the trial date, the court tried Hall in absentia. At the close of the evidence, the trial court properly instructed the jury on the elements of the offense. The jury convicted Hall of possession of dangerous drugs, a class 4 felony, and possession of drug paraphernalia, a class 6 felony.

¶7 The trial court conducted the sentencing hearing in compliance with Hall’s constitutional rights and Rule 26 of the Arizona Rules of Criminal Procedure. The trial court sentenced Hall to 8 years imprisonment for possession of dangerous drugs and gave credit for 77 days of presentence incarceration. The trial court also ordered that Hall be placed on 3 years of supervised probation for possession of drug paraphernalia, to begin upon his release from the Department of Corrections.

**DISCUSSION**

¶8 We review Hall’s convictions and sentences for fundamental error. *See State v. Gendron*, 168 Ariz. 153, 155, 812 P.2d 626, 628 (1991).

¶9 Counsel for Hall has advised this court that after a diligent search of the entire record, he has found no arguable question of law. We have read and considered counsel’s brief and fully reviewed the record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona

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

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Rules of Criminal Procedure. So far as the record reveals, Hall was represented by counsel at all stages of the proceedings and the sentence imposed was within the statutory limits. We decline to order briefing and we affirm Hall's convictions and sentence.

¶10 Upon the filing of this decision, defense counsel shall inform Hall of the status of his appeal and of his future options. Defense counsel has no further obligations unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Hall shall have thirty days from the date of this decision to proceed, if he desires, with a pro per motion for reconsideration or petition for review. On the court's own motion, we extend the time for Hall to file a pro per motion for reconsideration to thirty days from the date of this decision.



Ruth A. Willingham · Clerk of the Court  
FILED: mjt