

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



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

STATE OF ARIZONA, ) No. 1 CA-CR 08-0923  
)  
Appellee, ) DEPARTMENT C  
)  
v. ) **MEMORANDUM DECISION**  
)  
KALANI REIANNE NELSON, ) (Not for Publication -  
) Rule 111, Rules of the  
Appellant. ) Arizona Supreme Court)  
)  
)  
)

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Appeal from the Superior Court in Mohave County

Cause No. CR-2008-0079

The Honorable Steven F. Conn, Judge

**AFFIRMED**

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Terry Goddard, Arizona Attorney General Phoenix  
By Kent E. Cattani, Chief Counsel  
Criminal Appeals/Capital Litigation Section  
Attorneys for Appellee

Jill L. Evans, Mohave County Appellate Defender Kingman  
By Jill L. Evans  
Attorney for Appellant

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**B R O W N**, Judge

¶1 Kalani Reianne Nelson ("Nelson") appeals from her convictions and sentences for possession of drug paraphernalia,

possession of marijuana, and possession of narcotic drugs (cocaine). Nelson's counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Finding no arguable issues to raise, counsel requests that this court search the record for fundamental error. Nelson was afforded the opportunity to file a supplemental brief *in propria persona*, but has not done so.

¶2 Our obligation in this appeal is to review the entire record for reversible error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the conviction and resolve all reasonable inferences against Nelson. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶3 Nelson was charged by indictment with one count of possession of drug paraphernalia, a class 6 felony, in violation of Arizona Revised Statutes ("A.R.S.") section 13-3415 (2001),<sup>1</sup> one count of possession of marijuana, a class 6 felony, in violation of A.R.S. § 13-3405 (Supp. 2009), one count of possession of narcotic drugs, a class 4 felony, in violation of A.R.S. § 13-3408 (Supp. 2009), one count of possession of narcotic drugs for sale, a class 2 felony, in violation of

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<sup>1</sup> We cite the current version of the applicable statutes if no revisions material to this decision have since occurred.

A.R.S. § 13-3408, and one count of possession of marijuana for sale, a class 4 felony, in violation of A.R.S. § 13-3405.<sup>2</sup> The following evidence was presented at trial.

¶4 Acting on information obtained from a confidential informant,<sup>3</sup> the Lake Havasu City Police Department conducted surveillance on a home in Lake Havasu City. After approximately two months of surveillance, they obtained a search warrant for the premises. On the day they planned to execute the warrant, they observed Nelson driving a white pickup truck. She pulled into the home's driveway with two male passengers. The occupants exited the truck for a short period of time, got back in the truck and started backing out of the driveway. Police stopped the vehicle and detained Nelson and the passengers. In the bed of the truck, they observed two camping-style chairs with carrying bags. Inside one of the chair bags was a large plastic sack that contained smaller packages of a white substance which was later determined to be cocaine. Similar packages were found throughout the house and inside the garage. Neither the house nor the truck was owned or registered to Nelson or her boyfriend. Nelson admitted to the police, however, that she had been living in the house for about three

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<sup>2</sup> Nelson's boyfriend was a co-defendant at the trial and was also indicted on all five charges.

<sup>3</sup> Prior to trial, the State filed a motion *in limine* to preclude any reference to the confidential informant.

months with her boyfriend. She denied having any knowledge of the drugs found in the truck or in the house.

¶15 Police officers testified that during the surveillance period, no one other than Nelson and her boyfriend were seen entering or exiting the house. During the search of the home, they found a sock containing three baggies of cocaine. In the same closet, they found Nelson's birth certificate. They also found articles of women's clothing strewn throughout that bedroom. Police also discovered a bowl in one of the kitchen cabinets that contained substances later determined to be marijuana and cocaine, in addition to the packages of marijuana and cocaine in the garage. They also found a "Big 5" receipt with Nelson's name on it near the garbage cans in the garage. Nelson was employed by "Big 5" at the time of the search.

¶16 The jury found Nelson guilty of possession of drug paraphernalia, possession of marijuana, and possession of narcotic drugs but acquitted her on the charges of possession of narcotic drugs for sale and possession of marijuana for sale. The trial court sentenced her to three years' probation and she filed a timely notice of appeal.

¶17 We have read and considered counsel's brief and have reviewed the entire 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 accordance with the Arizona Rules

of Criminal Procedure. The record shows that Nelson was present and represented by counsel at all pertinent stages of the proceedings, she was afforded the opportunity to speak before sentencing, the evidence was sufficient to sustain the verdict, and the sentence imposed was within statutory limits.

¶18 Upon the filing of this decision, counsel shall inform Nelson of the status of the appeal and her 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). Nelson has thirty days from the date of this decision to proceed, if she desires, with a *pro per* motion for reconsideration or petition for review.

¶19 Accordingly, we affirm Nelson's convictions and sentences. /s/

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MICHAEL J. BROWN, Judge

CONCURRING:

/s/

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PETER B. SWANN, Presiding Judge

/s/

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LAWRENCE F. WINTHROP, Judge