

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

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE



DIVISION ONE  
FILED: 02/02/2010  
PHILIP G. URRY, CLERK  
BY: GH

STATE OF ARIZONA, ) 1 CA-CR 09-0219  
)  
Appellee, ) DEPARTMENT C  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
MIGUEL ANGEL LARA-CONTRERAS, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)

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Appeal from the Superior Court in Maricopa County

Cause No. CR2007-172608-001 DT

The Honorable George H. Foster, Judge

**AFFIRMED**

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

Sharmila Roy Laveen  
Attorney for Appellant

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**W I N T H R O P**, Judge

¶1 Miguel Lara-Contreras ("Appellant") appeals his convictions and sentences for possession for sale of narcotic drugs and possession of marijuana. Appellant's counsel has

filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders v. California*, 386 U.S. 738 (1967); and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that she has searched the record on appeal and found no arguable question of law that is not frivolous. Appellant's counsel therefore requests that we review the record for fundamental error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999) (stating that this court reviews the entire record for reversible error). Although this court granted Appellant the opportunity to file a supplemental brief *in propria persona*, he has not done so.

¶2 We have appellate jurisdiction pursuant to the Arizona Constitution, Article 6, Section 9, and Arizona Revised Statutes sections 12-120.21(A)(1) (2003), 13-4031 (2001), and 13-4033(A) (Supp. 2009). Finding no reversible error, we affirm Appellant's convictions and sentences.

#### I. FACTS AND PROCEDURAL HISTORY

¶3 We review the facts in the light most favorable to sustaining the verdict and resolve all reasonable inferences against Appellant. *State v. Kiper*, 181 Ariz. 62, 64, 887 P.2d 592, 594 (App. 1994).

¶4 On November 26, 2007, a grand jury indicted Appellant, charging him with Count I, possession of narcotic drugs for sale, a class two felony, and Count II, possession of marijuana,

a class six felony. The State later alleged that Appellant had two historical prior felony convictions.

¶15 At trial, the State elicited the following facts: On November 9, 2007, at approximately 3:45 p.m., Officer Strong of the Phoenix Police Department was performing police surveillance in an unmarked vehicle. He observed Appellant park a maroon van approximately three parking spaces away from him. Officer Strong noticed two men approach the van and hand money to Appellant through the open driver's side window. Appellant handed a pebble-like object to each man. The two men walked away, and Appellant began to drive away. Officer Strong radioed a nearby uniformed police officer, who conducted a traffic stop of Appellant's vehicle. The officers searched Appellant and found marijuana, and in the van, they found crack cocaine. Officer Strong testified that Appellant admitted to the officers that he sold drugs to make money, and that he had just done so. Another police officer testified at trial that the quantity of crack cocaine found with Appellant indicated that Appellant probably intended to sell the cocaine.

¶16 Appellant testified at trial that he was not selling drugs and that he did not admit doing so to the police officers. He claimed that the drugs found in his possession were for personal use, and he purchased them from the two men who had

approached him. He also admitted having a prior felony conviction.

¶7 The jury found Appellant guilty as charged. At sentencing, the trial court determined that Appellant had two historical prior felony convictions. The court sentenced Appellant to concurrent, mitigated terms of eleven years' imprisonment in the Arizona Department of Corrections for Count I, and three years' imprisonment for Count II. The court also credited Appellant for 502 days of pre-sentence incarceration. Appellant filed a timely notice of appeal.

## II. ANALYSIS

¶8 We have reviewed the entire record for reversible error and find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881; *Clark*, 196 Ariz. at 537, ¶ 30, 2 P.3d at 96. The evidence presented at trial was substantial and supports the verdicts, and Appellant's sentences were within the statutory limits. Appellant was represented by counsel at all stages of the proceedings and was given the opportunity to speak at sentencing. The proceedings were conducted in compliance with his constitutional and statutory rights and the Arizona Rules of Criminal Procedure.

¶9 After filing of this decision, defense counsel's obligations pertaining to Appellant's representation in this appeal have ended. Counsel need do no more than inform

Appellant of the status of the appeal and of his future options, unless counsel's review reveals an issue appropriate for petition for review to the Arizona Supreme Court. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Appellant has thirty days from the date of this decision to proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

**III. CONCLUSION**

¶10 Appellant's convictions and sentences are affirmed.

\_\_\_\_\_/S/\_\_\_\_\_  
LAWRENCE F. WINTHROP, Judge

CONCURRING:

\_\_\_\_\_/S/\_\_\_\_\_  
PETER B. SWANN, Presiding Judge

\_\_\_\_\_/S/\_\_\_\_\_  
MICHAEL J. BROWN, Judge