

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. 31.34



DIVISION ONE  
FILED: 10-14-2010  
RUTH WILLINGHAM,  
ACTING CLERK  
BY: GH

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 09-0868  
)  
Appellee, ) DEPARTMENT S  
)  
v. ) **MEMORANDUM DECISION**  
)  
SCOTT M. MCFARLAND, ) (Not for Publication -  
) Rule 111, Rules of the  
Appellant. ) Arizona Supreme Court)  
)

Appeal from the Superior Court in Maricopa County

Cause No. CR 2009-107347-001 DT

The Honorable James T. Blomo, Judge *Pro Tempore*  
The Honorable Pendleton Gaines, 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

James J. Haas, Maricopa County Public Defender Phoenix  
By Joel M. Glynn, Deputy Public Defender  
Attorneys for Appellant

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T I M M E R, Chief Judge

¶1 Scott M. McFarland ("McFarland") appeals his  
conviction and resulting sentence after a jury convicted him of

possession or use of dangerous drugs, a class four felony, in violation of Arizona Revised Statutes ("A.R.S.") section 13-3407 (2010).<sup>1</sup> McFarland's counsel 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. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), advising this court that after a search of the entire record on appeal, he found no arguable grounds for reversal. This court granted McFarland an opportunity to file a supplemental brief *in propria persona*, but he has not done so. We have jurisdiction to consider this appeal pursuant to Article 6, Section 9, of the Arizona Constitution and A.R.S. §§ 12-120.21(A)(1) (2003), 13-4031 and 13-4033(A) (2010). For the following reasons, we affirm.

#### DISCUSSION

¶2 We have read and considered counsel's brief and have searched the entire record for reversible error. *State v. Leon*, 104 Ariz. 297, 300, 451 P.2d 878, 881 (1969). We find none. The record shows that McFarland was represented by counsel at all stages of the proceedings and on appeal, and that the trial court afforded McFarland all his rights under the constitution, our statutes, and the Arizona Rules of Criminal Procedure.

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<sup>1</sup> Absent material revisions after the date of an alleged offense, we cite a statute's current version.

McFarland's sentence falls within the range prescribed by law. *Clark*, 196 Ariz. at 541, ¶ 50, 2 P.3d at 100.

**CONCLUSION**

¶3 After the filing of this decision, counsel's obligations pertaining to McFarland's representation in this appeal have ended. Counsel need do no more than inform McFarland of the status of the appeal and McFarland's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). McFarland shall have thirty days from the date of this decision to proceed, if he desires, with an *in propria persona* motion for reconsideration or petition for review.

¶4 Accordingly, we affirm McFarland's conviction and sentence.

/s/  
Ann A. Scott Timmer, Chief Judge

CONCURRING:

/s/  
Daniel A. Barker, Judge

/s/  
Michael J. Brown, Judge