

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  
FILED: 08/31/2010  
RUTH WILLINGHAM,  
ACTING CLERK  
BY: GH

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) 1 CA-CR 10-0093  
)  
Appellee, ) DEPARTMENT B  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
) Rule 111, Rules of the  
MOHAMUD MOHAMED, ) Arizona Supreme Court)  
)  
Appellant. )  
)  
)  
)

---

Appeal from the Superior Court in Maricopa County

Cause No. CR2009-149067-001 DT

The Honorable Christopher T. Whitten, Judge

**AFFIRMED**

---

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 Terry J. Reid, Deputy Public Defender  
Attorneys for Appellant

---

P O R T L E Y, Judge

¶1 This is an appeal under *Anders v. California*, 386 U.S. 738 (1967) and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Defendant Mohamud Mohamed has advised us that, after searching the entire record, she has been unable to discover any arguable questions of law, and has filed a brief requesting us to conduct an *Anders* review of the record. Defendant has not taken the opportunity to file a supplemental brief.

#### FACTS<sup>1</sup>

¶2 Defendant was arrested on July 19, 2009, for a domestic violence matter. He was searched incident to the arrest, and the police discovered a clear plastic bag containing a green substance in his right front pants pocket. Defendant was subsequently charged with assault and disorderly conduct, both class one misdemeanors, and possession of marijuana, a class six felony.

¶3 After Defendant requested that the felony marijuana possession charge be severed from the other misdemeanor charges, the State designated the possession of marijuana charge as a class 1 misdemeanor. The case proceeded to a bench trial on January 12, 2010, and the State dismissed the assault and

---

<sup>1</sup> We review the facts in the light most favorable to sustaining the verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

disorderly conduct charges without prejudice prior to the presentation of evidence.

¶4 The State presented the underlying facts of the arrest, as well as the testimony of a forensic scientist that the green leafy substance was marijuana in a useable quantity. Defendant, who was from Somalia, testified that the Somali culture allows for people to commingle clothes at a house they are visiting. As he was trying to leave the house in haste, he believed he put on a pair of pants that may have belonged to someone else at a family wedding and was unaware of the green leafy substance in the pocket.

¶5 The trial court weighed the credibility of the witnesses and found Defendant guilty of possession of marijuana beyond a reasonable doubt. Because the defense agreed that there was no reason to delay sentencing, the court proceeded. After finding that the conviction was Defendant's first drug possession conviction, his sentence was suspended and he was placed on probation for one year. See Ariz. Rev. Stat. ("A.R.S.") § 13-901.01 (2010). Defendant filed an appeal, and we have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and A.R.S. §§ 12-120.21(A)(1) (2003), 13-4031, and -4033(A)(1) (2010).

## DISCUSSION

¶6 We have read and considered counsel's brief. We have searched the entire record for reversible error, and found none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. The record, as presented, reveals that Defendant was represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits.

## CONCLUSION

¶7 After this decision has been filed, counsel's obligation to represent Defendant in this appeal has ended. Counsel need do no more than inform Defendant of the status of the appeal and Defendant's future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Defendant can, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

¶8 Accordingly, we affirm Defendant's conviction and sentence.

/s/

---

MAURICE PORTLEY, Judge

CONCURRING:

/s/

---

JOHN G. GEMMILL, Presiding Judge

/s/

---

PATRICIA K. NORRIS, Judge