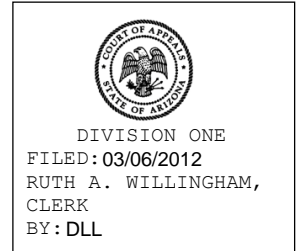


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



STATE OF ARIZONA,) 1 CA-CR 11-0248
)
Appellee,) DEPARTMENT B
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
RAYMOND ALEXANDER HERNANDEZ,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2004-043214-001SE

The Honorable Connie Contes, Judge

AFFIRMED

Thomas C. Horne, Arizona 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 Paul J. Prato, Deputy Public Defender
Attorneys for Appellant

W I N T H R O P, Chief Judge

¶1 Raymond Alexander Hernandez ("Appellant") appeals his conviction for driving on a suspended license and resulting placement on probation. 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 he 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 ("A.R.S.") sections 12-120.21(A)(1) (West 2011),¹ 13-4031, and 13-4033(A). Finding no reversible error, we affirm.

I. FACTS AND PROCEDURAL HISTORY²

¶3 On December 10, 2004, the State of Arizona, through the Maricopa County Attorney's Office, charged Appellant by information with Count I, possession or use of marijuana, and Count II, possession of drug paraphernalia, each a class six

¹ We cite the current version of the applicable statutes throughout this decision because no revisions material to our analysis have since occurred.

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

felony. See A.R.S. §§ 13-3405(A)(1), -3415(A). Later, the State moved to dismiss Count I with prejudice, designate Count II a class one misdemeanor, and add Count III, driving on a suspended license, a class one misdemeanor. See A.R.S. § 28-3473(A).

¶4 Appellant waived his right to a jury trial and was tried in a bench trial. At trial, the State presented the following evidence: At approximately 5:25 a.m. on September 27, 2004, an Arizona Department of Public Safety officer made a traffic stop on a vehicle traveling westbound on Highway 60. The officer initiated the traffic stop because he noticed the vehicle did not have a license plate or placard. Appellant was the driver of the vehicle. The officer asked Appellant for his driver's license, registration, and proof of insurance. Appellant responded that he did not have a driver's license because "it was suspended." The officer arrested Appellant, and called to have Appellant's vehicle towed. While performing an inventory of the vehicle before it was towed, the officer found cigarette rolling papers, a marijuana cigarette, seeds, and stems in the ashtray.

¶5 The court found Appellant not guilty of Count II, but guilty of Count III as charged. Sentencing was originally scheduled for August 2, 2005; however, Appellant did not appear on that date, and sentencing was delayed until March 25, 2011.

On that date, the trial court suspended sentencing, placed Appellant on probation for one year, and ordered that he pay related fees and fines.

II. ANALYSIS

¶6 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 verdict, and the term of probation is within the statutory limits. See A.R.S. § 13-902(A)(5). 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.

¶7 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

¶8 Appellant's conviction and placement on probation are affirmed.

_____/S/_____
LAWRENCE F. WINTHROP, Chief Judge

CONCURRING:

_____/S/_____
DIANE M. JOHNSEN, Presiding Judge

_____/S/_____
DONN KESSLER, Judge