

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

FILED BY CLERK

DEC 19 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0152
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
CHARLES MARTIN WILSON,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20110600001

Honorable Michael O. Miller, Judge

AFFIRMED

Lori J. Lefferts, Pima County Public Defender
By Lisa M. Hise

Tucson
Attorneys for Appellant

H O W A R D, Chief Judge.

¶1 After a jury trial, appellant Charles Martin Wilson was convicted of possession of a dangerous drug; possession of drug paraphernalia; and possession of a dangerous drug, methamphetamine, for sale committed while on community supervision and with two or more historical prior felony convictions. The trial court sentenced him to concurrent prison terms as follows: presumptive terms of ten and 3.75 years on the first two counts and a slightly aggravated term of 16.75 years on the third count. Counsel has filed a brief in compliance with *Smith v. Robbins*, 528 U.S. 259 (2000), *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has found no arguably meritorious issue to raise and requesting that this court search the record for error. Appellant has not filed a supplemental brief.

¶2 We have reviewed the record and find no reversible error. Evidence at trial established officers found 23.2 grams of methamphetamine on the back seat of a car from which Wilson had departed. Although Wilson denied to police he had been driving the car, he admitted he had been in it earlier that day. This, and other evidence, sufficiently supported his conviction of possession of methamphetamine for sale. A.R.S. § 13-3407(A)(2). A small baggie found in Wilson's front pocket after he was arrested contained residue of methamphetamine, although not a usable amount, which supported the remaining counts. *See* A.R.S. §§ 13-3407(A)(1) (possession or use of dangerous drug); 13-3415(A) (possession of drug paraphernalia); *see also State v. Cheramie*, 218 Ariz. 447, ¶ 21, 189 P.3d 374, 378 (2008) (whether “usable quantity” of drug found “is neither an element of the possession offense nor necessary to sustain a conviction for it”).

The enhanced sentences were within the statutory limits and were imposed in a lawful manner.

¶3 The convictions and sentences are affirmed.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge*

*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Order filed August 15, 2012.