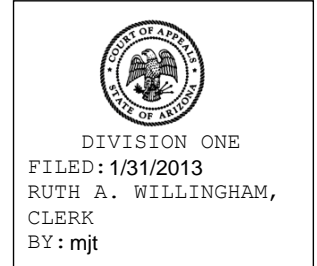


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



STATE OF ARIZONA,) 1 CA-CR 11-0853
)
Appellee,) DEPARTMENT S
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
MICHAEL JAMES BRUNICK,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2011-103193-001

The Honorable Patricia A. Starr, Judge *Pro Tempore*

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 Cory Engle, Deputy Public Defender
Attorneys for Appellant

W I N T H R O P, Chief Judge

¶1 Michael James Brunick ("Appellant") appeals his conviction and sentence for possession of dangerous drugs (methamphetamine). 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. We therefore review the entire record for reversible error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). 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 2012),¹ 13-4031, and 13-4033(A). Finding no reversible error, we affirm.

I. FACTS AND PROCEDURAL HISTORY²

¶3 On March 24, 2011, the State charged Appellant by information with one count of possession or use of a dangerous drug (methamphetamine), a class four felony, in violation of A.R.S. § 13-3407. Before trial, the State alleged Appellant had

¹ We cite the current Westlaw version of the applicable statutes because no revisions material to this decision 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).

seven historical prior felony convictions and other aggravating circumstances that could increase his potential sentence.

¶4 At trial, the State presented the following evidence: On January 19, 2011, a Glendale police officer in a marked patrol car observed a vehicle driven by Appellant run a red light at 59th Avenue and Bell Road. The officer initiated a traffic stop and eventually arrested Appellant, the sole occupant of the vehicle, due to an outstanding warrant. During a search incident to arrest, the officer found two small baggies containing a white substance in Appellant's pocket.

¶5 The officer transported Appellant to the police station and advised him of his rights pursuant to *Miranda*.³ After acknowledging that he understood his rights, Appellant admitted the substance in the baggies was methamphetamine and that it belonged to him for personal use. Subsequent laboratory testing confirmed the substance as methamphetamine.

¶6 Appellant did not testify at trial. He did, however, produce a witness who claimed the methamphetamine belonged to her and that she had previously placed it in Appellant's vehicle.

¶7 The jury found Appellant guilty as charged. Before sentencing, Appellant admitted two prior felony convictions, which were used in determining his sentence. The court

³ See *Miranda v. Arizona*, 384 U.S. 436 (1966).

sentenced Appellant to a slightly mitigated (minimum) term of eight years' imprisonment in the Arizona Department of Corrections, with credit for 35 days of presentence 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 verdict, and the sentencing proceedings followed the statutory requirements. 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 conviction and sentence are affirmed.

/S/
LAWRENCE F. WINTHROP, Chief Judge

CONCURRING:

/S/
PATRICIA K. NORRIS, Judge

/S/
PATRICIA A. OROZCO, Judge