

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: 08/21/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0018
)
Appellee,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
SARAH PORTIA FLYNN,) Arizona Supreme Court)
)
Appellant.)
)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CR2011-119784-001 DT

The Honorable Lisa Ann Vandenberg, Judge Pro Tempore

AFFIRMED

Thomas C. Horne, 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 Charles R. Krull, 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 Sarah Portia Flynn has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law, and has filed a brief requesting that we conduct an *Anders* review of the record. Defendant was given the opportunity to file a supplemental brief but has not filed one.

FACTS¹

¶2 Defendant was arrested at WestWorld on March 4, 2011, during the Parada del Sol rodeo. Before she was transported to jail, a Scottsdale police officer searched her coat and purse for weapons or contraband. In her purse, he discovered a small silver canister with a tinfoil top. The canister contained a green leafy substance. The officer then read Defendant her *Miranda*² warnings and interviewed her. She indicated that it was her boyfriend's paraphernalia and medical marijuana.

¶3 Defendant was indicted for possession of marijuana, a class 6 felony. She filed a motion to suppress the marijuana found in her purse, and the court held an evidentiary hearing to consider the motion on December 9, 2011. After the presentation of evidence, the motion to suppress was denied.

¹ We view the facts "in the light most favorable to sustaining the verdict, and resolve all reasonable inferences against the defendant." *State v. Rienhardt*, 190 Ariz. 579, 588-89, 951 P.2d 454, 463-64 (1997) (citation omitted).

² *Miranda v. Arizona*, 384 U.S. 436 (1966).

¶4 At the beginning of the trial, the State successfully moved to amend the indictment to designate the matter as a class 1 misdemeanor, and the matter proceeded as a bench trial. After the State put on its case, and after closing arguments, the court found Defendant guilty of the class 1 misdemeanor beyond a reasonable doubt. Defendant waived the preparation of the presentence report and was placed on one year of unsupervised probation. She was also ordered to pay a fine.

¶5 We have jurisdiction over this appeal pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1), 13-4031, and -4033(A)(1) (West 2012).

DISCUSSION

¶6 We have read and considered the opening brief and have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none.

¶7 After the indictment, Defendant participated in a settlement conference and opted to go to trial in lieu of completing a drug diversion program and having the misdemeanor charge dismissed. Although she unsuccessfully challenged the search of her purse, she did not challenge the reduction of the charge to a misdemeanor, or the bench trial. The record, as presented, reveals that all of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, that

Defendant was represented by counsel at all stages of the proceedings, and that the sentence imposed was within the statutory limits.

¶8 After this decision is filed, counsel need only inform Defendant of the status of her appeal and her future options, unless counsel identifies an issue appropriate for a petition for review to the Arizona Supreme Court. *State v. Shattuck*, 140 Ariz. 582, 585, 684 P.2d 154, 157 (1984). Defendant may, if desired, file a motion for reconsideration or petition for review pursuant to the Arizona Rules of Criminal Procedure.

CONCLUSION

¶9 Defendant's conviction and sentence are affirmed.

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

PHILIP HALL, Judge

/s/

DIANE M. JOHNSEN, Judge