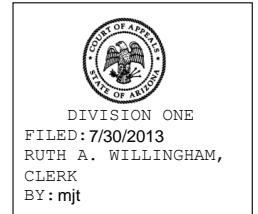


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



STATE OF ARIZONA,) 1 CA-CR 12-0620
)
Appellee,) Department A
)
v.) **MEMORANDUM DECISION**
) (Not for Publication-
ANRE DION PARTEE,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
)
)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2012-111261-001

The Honorable William L. Brotherton, Jr., Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Joseph T. Maziarz, Chief Counsel
Criminal Appeals Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Terry J. Reid, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Presiding Judge

¶1 This case comes to us as 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 Anre Dion Partee (defendant), after searching the entire record, has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has not done so.

¶2 In February 2012, Mesa Police Officer Clinton Bertola stopped defendant for jaywalking. After learning that defendant had an outstanding warrant, Officer Bertola arrested defendant and conducted a search of his person. During the search, Officer Bertola found a plastic bag containing marijuana inside defendant's jacket pocket, which defendant claimed belonged to his sister or girlfriend. While in the back of the patrol car, defendant spoke to his brother on his cell phone, stating that he got busted for having some "bud," and that it was "about ten grams" worth. A forensics lab test later revealed the marijuana weighed 10.9 grams.

¶3 The state charged defendant with one count of possession or use of marijuana, and one count of possession of drug paraphernalia, both class six felonies. Prior to trial, the state moved to designate both counts as class one misdemeanors and to hold a bench trial. See Ariz. Rev. Stat. (A.R.S.) § 13-604(B) (2010). Defendant did not object, and the court granted the motion. On the first day of trial, defense

counsel requested a continuance in order to interview an undisclosed witness whom the defendant claimed was the actual possessor of the marijuana. The court denied the motion for continuance.

¶4 The court convicted defendant as charged. The court suspended the imposition of sentencing and placed defendant on twelve months of unsupervised probation for each offense, to run concurrently. Defendant timely appealed.

¶5 We have read and considered counsel's brief and have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, defendant was adequately represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶6 We affirm the convictions and imposition of probation.

/s/

JON W. THOMPSON, Presiding Judge

CONCURRING:

/s/

KENT E. CATTANI, Judge

/s/

DIANE M. JOHNSEN, Judge