DIVISION ONE
FILED: 10/24/2013
RUTH A. WILLINGHAM, CLERK
BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA, Appellee,	)	1 CA-CR 13-0264
	)	DEPARTMENT E
v.	)	**MEMORANDUM DECISION**
	)	(Not for Publication –
RAUL ARMANDO PERALTA, Appellant.	)	Rule 111, Rules of the Arizona Supreme Court)

Appeal from the Superior Court in Maricopa County

Cause No. CR2012-144115-001

The Honorable Pamela Gates, Judge

AFFIRMED

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

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

W I N T H R O P, Presiding Judge

¶1 Raul Armando Peralta ("Appellant") appeals his conviction and placement on probation for possession or use of

marijuana, a class one misdemeanor, in violation of Arizona Revised Statutes ("A.R.S.") section 13-3405(A)(1) (West 2013) and possession of drug paraphernalia, a class one misdemeanor, in violation of A.R.S. § 13-3415(A) (West 2013).[1] 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 reversible error. *See State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). In addition, this court has allowed Appellant to file a supplemental brief *in propria persona*, but he has not done so.

¶2 We have appellate jurisdiction pursuant to the Arizona Constitution, Article 6, Section 9, and A.R.S. §§ 12-120.21(A)(1), 13-4031, and 13-4033(A). Finding no reversible error, we affirm.

[1] We cite the current Westlaw version of the applicable statutes because no revisions material to this decision have since occurred.

I. FACTS AND PROCEDURAL HISTORY[2]

¶3 In the early morning hours of August 18, 2012, two police officers observed a car run a red light in Phoenix at the intersection of Southern Avenue and Twenty-Fourth Street. The officers signaled the driver to pull over, and conducted a traffic stop. Before approaching the car, the officers trained three sets of lights on the stopped vehicle from their patrol car: the headlights, spotlights on the driver and passenger sides, and the "take-down lights" from the top row of lights. As the officers approached the car, they saw Appellant switch places with the passenger and detected the odor of marijuana emanating from the stopped vehicle.

¶4 One officer had Appellant step out of the car. As Appellant exited, the officer observed him cup his hand as though he was holding an object and then open his hand as though he was releasing his grasp on the object. After detaining Appellant and the other occupants of the vehicle, the officer searched the floor of the car and found on the front passenger side a plastic baggie with a small amount of marijuana.

¶5 While later seated in the back of the patrol car, Appellant saw the second officer seated in the front of the

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[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).

vehicle handle the plastic baggie, and Appellant admitted that the plastic baggie belonged to him. Appellant later claimed that he made the admission without seeing that the baggie contained marijuana.

¶6 At a bench trial held in April 2013, Appellant was convicted of possession or use of marijuana, a class one misdemeanor, and possession of drug paraphernalia, a class one misdemeanor. At that time, the trial court placed Appellant on one-year probation. On April 15, 2013, Appellant filed a timely notice of appeal.

II. ANALYSIS

¶7 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 critical 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.

¶8 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

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

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

CONCURRING:

_____/S/_____
MARGARET H. DOWNIE, Judge

_____/S/_____
JON W. THOMPSON, Judge