

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

JOSE MENDEZ-DELGADO, *Appellant*.

No. 1 CA-CR 15-0408
FILED 5-10-2016

Appeal from the Superior Court in Maricopa County
No. CR2014-154544-001
The Honorable Alfred M. Fenzel, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Terry Reid
Counsel for Appellant

STATE v. MENDEZ-DELGADO
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Jon W. Thompson delivered the decision of the Court, in which Judge Maurice Portley and Judge Patricia K. Norris joined.

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 Jose Mendez-Delgado (defendant) 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 this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, but he has not done so.

¶2 On border patrol in November 2014, agent D.W. detected three people crossing the desert while using a heat signature camera. Agent D.W. called for backup. Agent A.B. arrived at the scene and found three backpacks in close proximity of two individuals hiding. Roughly thirty minutes after apprehending the first two, agent S.T. found defendant a mile and a half away hiding behind a bush. Defendant was wearing booties to obscure his footprints, had rug burns consistent with wearing a makeshift backpack, and stated two other people were with him. The three backpacks contained a total of nearly 128 pounds of marijuana packaged for sale.

¶3 The state charged defendant with one count of sale or transportation of marijuana, a class 2 felony. The jury found defendant knowingly transported marijuana for sale and the marijuana weighed more than two pounds. The court found defendant had a prior felony conviction. The court sentenced defendant to the presumptive term of 9.25 years imprisonment. Defendant received credit for 193 days presentence incarceration.

¶4 We have read and considered defendant's *Anders* brief, and we 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, 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

STATE v. MENDEZ-DELGADO
Decision of the Court

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.

¶5 We affirm the conviction and sentence.



Ruth A. Willingham · Clerk of the Court
FILED : ama