

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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.

CHRISTOPHER MATTHEW NATION, *Appellant*.

No. 1 CA-CR 15-0502, 1 CA-CR 15-0514
FILED 6-2-2016

Appeal from the Superior Court in Maricopa County
Nos. CR2009-16472-001, CR2015-100557-001
The Honorable Erin O'Brien Otis, Commissioner

AFFIRMED

COUNSEL

Arizona Attorney General, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

Maricopa County Public Defender, Phoenix
By Carlos Daniel Carrion
Counsel for Appellant

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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 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 Christopher Matthew Nation (defendant) has advised us that, after searching the entire record, he is unable to discover any arguable questions of law, and subsequently, 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 In January 2015, police officer Kenneth Palmer was responding to a call when he came into contact with defendant. Officers already on the scene had detained defendant; his hands were handcuffed behind his back, and he was seated on the curb. Officer Palmer noticed something in the gravel near defendant's hands. Behind defendant was a mini Altoid box with three or four rocks on top of it, which looked "like somebody placed it there and was trying to bury it." Inside the box were several little small plastic baggies containing methamphetamine.

¶3 The state charged defendant with one count of possession or use of dangerous drugs, a class 4 felony in CR 2015-100557-001. The state filed an allegation of historical priors alleging that defendant had four prior felony convictions. The state further alleged that defendant had committed the offense while released from confinement, and the aggravating circumstance that defendant had been convicted of a felony within the ten years preceding the offense. A jury convicted defendant of the charged offense and found the following aggravating factors beyond a reasonable doubt: (1) defendant was previously convicted of a felony within the ten years immediately preceding the date of the offense; and (2) defendant was on probation for a felony offense at the time he committed this offense. The trial court found that defendant had at least two historical prior felony convictions, and sentenced him to the presumptive term of ten years of imprisonment with 186 days of pre-sentence incarceration credit.

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¶4 At the time of the January 2015 offense, defendant was on probation in CR 2009-164723-001. The state filed a petition to revoke defendant's probation. The trial court found that defendant violated the terms of his probation and revoked the defendant's probation, and sentenced him to two-and-one-half years in prison. The court gave defendant credit for 99 days of presentence incarceration, and ordered the sentence to be served consecutive to the sentence imposed in CR 2015-100557-001.

¶5 We have read and considered the *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 were 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. If defendant so desires, he has thirty days from the date of this decision to proceed with an *in propria persona* motion for reconsideration or petition for review.

¶6 We affirm the probation revocation, defendant's convictions and sentences.



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