

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Appellee*,

*v.*

WILLIAM EARL TRIMBLE, *Appellant*.

No. 1 CA-CR 15-0708  
FILED 6-2-2016

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Appeal from the Superior Court in Maricopa County  
No. CR2013-100690-001 DT  
The Honorable Charles Donofrio, III, Judge *Pro Tempore*

**AFFIRMED**

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COUNSEL

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

Maricopa County Public Defender's Office, Phoenix  
By Terry J. Adams  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Peter B. Swann delivered the decision of the court, in which Judge Lawrence F. Winthrop and Judge Donn Kessler joined.

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**S W A N N**, Judge:

¶1 William Earl Trimble (“Defendant”) appeals his probation revocation and sentence for two counts of conspiracy to commit sale or transportation of narcotic drugs.

¶2 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969). Defendant’s appellate counsel searched the record on appeal, found no arguable nonfrivolous question of law, and asks us to review the record for fundamental error. See *Anders*, 386 U.S. 738; *Smith v. Robbins*, 528 U.S. 259 (2000); *State v. Clark*, 196 Ariz. 530 (App. 1999). Counsel did not identify any issues for review, and Defendant did not file a supplemental brief.

¶3 Having searched the record, we find no fundamental error.

**FACTS AND PROCEDURAL HISTORY**

¶4 Defendant pled guilty to two counts of conspiracy to commit sale or transportation of narcotic drugs in April 2013. The court suspended the imposition of sentence and placed him on three years of supervised probation. The standard conditions of probation required that, among other things, Defendant report to the Adult Probation Department (“APD”) as directed, not possess or use illegal drugs, and submit to drug and alcohol testing.

¶5 In December 2014, Defendant’s probation officer petitioned the court to revoke probation. She alleged that Defendant had failed to report as directed, failed to drug test, failed to pay fees, failed to comply with mental health and substance abuse treatment, and failed to look for employment. He also tested positive for methamphetamine, opiates and cocaine use.

¶6 On March 31, 2015, the court found that Defendant had violated the terms of his probation but reinstated him on intensive probation, extending the end date. Less than one month later, the probation

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officer filed another petition to revoke, alleging that Defendant had absconded and had used illegal drugs. At the hearing, the state presented an “admission of drug use” form signed by Defendant as evidence that he violated the terms of his probation; it did not present any corroborating evidence of his drug use. The court found that he had violated the term requiring him to abstain from drugs but dismissed the other allegations of violations. Defendant’s probation was revoked, and he was sentenced to five years in prison for both counts, served concurrently, with 449 days presentence incarceration credit. Defendant appeals.

**DISCUSSION**

¶7 A probation violation “must be established by a preponderance of the evidence. . . . The court may receive any reliable evidence not legally privileged, including hearsay.” Ariz. R. Crim. P. 27.8(b)(3). If the court finds that a violation occurred, “it shall make specific findings of the facts which establish the violation.” Ariz. R. Crim. P. 27.8(b)(4).

¶8 Defendant’s counsel at the hearing asserted that Defendant’s confession alone was insufficient to justify the violation finding; the state should have provided corroborating evidence. While it is true that a confession in a criminal trial “before being usable against a defendant, must be corroborated by some independent evidence of the *Corpus delicti*[,] his is not true in a probation revocation hearing.” *State v. Lay*, 26 Ariz. App. 64, 65 (1976). The Defendant’s signed statement confessing his use of methamphetamine is sufficient to prove the violation.

¶9 As a consequence of the violation, generally the court “may revoke, modify or continue probation.” Ariz. R. Crim. P. 27.8(c)(2). However, the situation is different for those on intensive probation:

If a petition to revoke the period of intensive probation is filed and the court finds that the person has committed an additional felony offense or has violated a condition of intensive probation which poses a serious threat or danger to the community, the court *shall* revoke the period of intensive probation and impose a term of imprisonment as authorized by law.

A.R.S. § 13-917(B) (emphasis added).

¶10 The state alleged that Defendant had violated Condition 12, which reads “I will not possess or use illegal drugs or controlled substances

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and will submit to drug and alcohol testing as directed by the APD.” In this case, Defendant signed a confession that he had used methamphetamine. At the hearing, the court found based on that evidence that Defendant had violated this condition. Use of methamphetamine is a felony offense. A.R.S. §§ 13-3407(A)(1) & (B)(1), -3401(6)(c)(xxxviii). Under A.R.S. § 13-917(B), the court was then required to revoke probation and sentence Defendant to a prison term.

¶11 Even if the court’s finding was insufficient for the automatic revocation provision, the court may revoke probation “[i]f the person commits an additional offense or violates a condition of probation.” A.R.S. § 13-917(B). And “[w]e are obliged to affirm the trial court’s ruling if the result was legally correct for any reason.” *State v. Perez*, 141 Ariz. 459, 464 (1984). The record clearly demonstrates that Defendant violated at least one term of his probation, allowing the court to revoke his probation.

¶12 Defendant’s probation revocation proceedings were conducted in compliance with Ariz. R. Crim. P. 27.8. He was present and represented at all critical proceedings with the exception of one revocation arraignment where he waived his presence. And he received a lawful sentence under A.R.S. §§ 13-702, -3408, and -303. We find no fundamental error.

**CONCLUSION**

¶13 For the foregoing reasons, we affirm Defendant’s probation revocation and sentence.

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¶14 Defense counsel's obligations pertaining to this appeal have come to an end. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Unless, upon review, counsel discovers an issue appropriate for petition for review to the Arizona Supreme Court, counsel must only inform Defendant of the status of this appeal and his future options. *Id.* Defendant has 30 days from the date of this decision to file a petition for review *in propria persona*. *See* Ariz. R. Crim. P. 31.19(a).

¶15 Upon the court's own motion, Defendant has 30 days from the date of this decision in which to file a motion for reconsideration.



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