

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

MICHAEL PAUL ADAMS, *Appellant*.

Nos. 1 CA-CR17-0224, 1 CA-CR17-0226, 1 CA-CR17-0227
(Consolidated)
FILED 12-12-2017

Appeal from the Superior Court in Maricopa County
Nos. CR2016-137122-001, CR2016-144233-001, CR2016-141933-001
The Honorable John R. Doody, Judge *Pro Tempore*

AFFIRMED

COUNSEL

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

Maricopa County Public Defender's Office, Phoenix
By Paul J. Prato
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Samuel A. Thumma delivered the decision of the Court, in which Presiding Judge Paul J. McMurdie and Judge Peter B. Swann joined.

T H U M M A, Chief Judge:

¶1 This is a consolidated appeal under *Anders v. California*, 386 U.S. 738 (1967) and *State v. Leon*, 104 Ariz. 297 (1969). Counsel for defendant Michael Paul Adams advised the court that, after searching the entire record, he has found no arguable question of law, and asks this court to conduct an *Anders* review of the record. Adams was given the opportunity to file a supplemental brief pro se but did not do so. This court has reviewed the record and has found no reversible error. Accordingly, the revocation of Adams' probation grants and reinstatement of probation are affirmed.

FACTS AND PROCEDURAL HISTORY

¶2 On November 29, 2016, Adams was placed on concurrent supervised probation grants for 2.5 years after pleading guilty to the following offenses committed on the following dates: (1) unlawful removal of a theft detection device, a Class 6 undesignated felony (August 5, 2016); (2) possession of marijuana, a Class 1 misdemeanor (August 5, 2016); (3) possession of marijuana, a Class 1 misdemeanor (June 3, 2016); and (4) unlawful removal of a theft detection device, a Class 6 designated felony (September 2, 2016). Term 6 of the Uniform Conditions of Supervised Probation for each grant provided, as relevant here:

I will report to the APD [Adult Probation Department] within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed.

Term 7 provided:

I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.

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¶3 In February 2017, Adams’ probation officer filed petitions to revoke his probation, alleging Adams violated Terms 6 and 7 because he, “did not report as directed on 1/17/2017;” “did not receive prior approval before changing residence;” “did not reside in a residence approved by the Adult Probation Department” and his whereabouts were “unknown since December 19, 2016.” After Adams appeared, he was appointed counsel, denied the allegations and the court set an evidentiary hearing on the petitions.

¶4 At a March 2017 evidentiary hearing, Adams’ probation officer testified that Adams was on supervised probation with the terms quoted above and that he failed to report to her office on January 17, 2017 as she had directed him to do on December 19, 2017. She also testified that Adams failed to live at a residence approved by the Adult Probation Department. After the State rested, Adams elected to testify on his own behalf, admitting to having made “mistakes” and explaining his conduct. In the State’s rebuttal, Adams’ probation officer testified briefly.

¶5 After hearing argument, the superior court found the State had proven Adams violated Terms 6 and 7, finding “he did not report” and did not show that he lacked the “physical ability to report” and that, although “maybe his intentions were good,” he did not provide the address of his residence to the Adult Probation Department when he moved. By agreement of the parties, the court then proceeded to disposition. After hearing from the probation officer, counsel and Adams directly, the court reinstated Adams on concurrent supervised probation grants for three years on all four convictions, with revised expiration dates of December 21, 2019.

¶6 Adams timely appealed the probation revocation and reinstatement on probation. This court has jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031, and -4033(A)(1) (2017).¹

DISCUSSION

¶7 The record shows that Adams was represented by counsel at all stages of the proceedings and counsel was present at all critical stages. The record contains substantial evidence supporting the revocation of his probation and his reinstatement on probation. From the record, all

¹ Absent material revisions after the relevant dates, statutes and rules cited refer to the current version unless otherwise indicated.

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proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the probation grants were within statutory limits.

CONCLUSION

¶8 This court has read and considered counsel's brief and has searched the record provided for reversible error and has found none. *Leon*, 104 Ariz. at 300; *State v. Clark*, 196 Ariz. 530, 537 ¶ 30 (App. 1999). Accordingly, the revocation of Adams' probation and resulting reinstatement on probation are affirmed.

¶9 Upon the filing of this decision, counsel is directed to inform Adams of the status of the appeal and of his future options. Defense counsel has no further obligations unless, upon review, counsel identifies an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Adams shall have 30 days from the date of this decision to proceed, if he desires, with a pro se motion for reconsideration or petition for review.



AMY M. WOOD • Clerk of the Court
FILED: AA