

NOTICE: NOT FOR PUBLICATION.  
UNDER ARIZ. R. SUP. CT. 111(c), THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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STATE OF ARIZONA, *Appellee*,

*v.*

FATIMA OGOY CALICA, *Appellant*.

No. 1 CA-CR 17-0353  
FILED 3-13-2018

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Appeal from the Superior Court in Maricopa County  
No. CR 2014-161425-001  
The Honorable David O. Cunanan, Judge

**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 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 Peter B. Swann and Judge James P. Beene joined.

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**T H O M P S O N**, Presiding Judge:

¶1 This case, CR2014-161245-001, comes to us on appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969). Counsel for Fatima Ogo Calica (Calica) 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. Calica has been afforded an opportunity to file a supplemental brief *in propria persona*, but she has not done so. The case arises from Calica's arrest following three drug sales to Detective Michelle Vasey of the Arizona Department of Public Safety (DPS).

¶2 The state charged Calica with three associated counts. Counts 1 and 2 are for sale or transportation of marijuana, a class 3 felony. Ariz. Rev. Stat. (A.R.S.) § 13-3405(B)(10) (2010). Count 3 is for sale or transfer of narcotics (oxycodone), a class 2 felony. A.R.S. § 13-3408(B)(7) (2010). Another DPS detective had provided Detective Vasey with a phone number of an individual suspected of selling marijuana. Detective Vasey scheduled a sale through text messages with that number.

¶3 The first sale of marijuana occurred on January 21, 2014, in a neighborhood in Phoenix. Upon arriving at the given address, Detective Vasey spotted Calica standing near the driveway. Calica walked up to Detective Vasey's vehicle and asked if she could get in. Calica placed marijuana in the vehicle, took payment from Detective Vasey, and exited. The sale was video recorded. After this sale, Detective Vasey looked into the location's address history, found Calica's name, ran the name in a government database, and identified Calica from the attached photograph as the individual who sold her marijuana.

¶4 The second sale of marijuana occurred on January 23, 2014, at the same location and proceeded in the same manner as the first sale. The sale was video and audio recorded. At this sale Calica also asked Detective Vasey if she knew any "pillheads," explaining that she could provide Detective Vasey with oxycodone at a future date.

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¶5 The third sale occurred on February 6, 2014. On this day Detective Vasey met Calica at the same location as before and purchased the oxycodone, as discussed at the second sale. The third sale was also video and audio recorded.

¶6 The jury found Calica guilty of all three charged counts. Calica then waived her right to a jury determination regarding aggravating circumstances, and admitted that she was on release for a felony at the time she committed the offense in the instant case. The court sentenced Calica to mitigated terms of 5.25 years' incarceration for each guilty count of sale or transportation of marijuana, and 6.5 years' incarceration for the guilty count of sale or transportation of narcotic drugs, with all sentences to run concurrently. The court also gave Calica credit for 51 days of presentence incarceration for each sentence.

¶7 We have reviewed the entire record in this case for reversible error, but found none. The record reflects the proceedings complied with the Arizona Rules of Criminal Procedure. Calica had a fair trial, she was represented by counsel, and was present at all critical stages prior to and during trial, as well as during the verdicts and at sentencing. The evidence is sufficient to support the verdicts, and the trial court imposed lawful sentences for Calica's offenses. We thus affirm Calica's convictions and sentences.

¶8 Upon the filing of this decision, counsel shall inform Calica of the status of the appeal and her options. Defense counsel has no further obligations, unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Calica shall have thirty days from the date of this decision to proceed, if she so desires, with an *in propria persona* motion for reconsideration or petition for review.



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