

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

RYAN WILLIAM BARR, *Appellant*.

No. 1 CA-CR 17-0557
FILED 7-31-2018

Appeal from the Superior Court in Mohave County
No. S8015CR201601058
The Honorable Lee Frank Jantzen, Judge

AFFIRMED

COUNSEL

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

Mohave County Legal Advocate, Kingman
By Jill L. Evans
Counsel for Appellant

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MEMORANDUM DECISION

Judge Paul J. McMurdie delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Judge James B. Morse Jr. joined.

M c M U R D I E, Judge:

¶1 Ryan William Barr appeals his conviction of Possession of Dangerous Drugs (Methamphetamine), a Class 4 felony; Possession of Narcotic Drugs (Heroin), a Class 4 felony; and two corresponding charges of Possession of Drug Paraphernalia, each a Class 6 felony; and the resulting sentences. Barr’s counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), certifying that, after a diligent search of the record, she found no arguable question of law that was not frivolous. Barr was given the opportunity to file a supplemental brief, but did not do so. Counsel asks this court to search the record for arguable issues. *See Penson v. Ohio*, 488 U.S. 75 (1988); *State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999). After reviewing the record, we affirm Barr’s convictions and sentences.

FACTS AND PROCEDURAL BACKGROUND

¶2 On May 21, 2016, Bullhead City Police Officer Madarang stopped Barr for a traffic violation. Subsequently, Madarang arrested Barr on an outstanding misdemeanor warrant. A male passenger was present in the vehicle with Barr. After Madarang read Barr his Miranda rights, Barr described the passenger as a friend with whom he worked in Las Vegas, but told Madarang that the passenger had no property in the vehicle. Madarang verified the passenger’s identity, searched police databases, and questioned the passenger regarding his ownership of any property in the vehicle. Because Madarang found no legal basis to hold the passenger, he released him.

¶3 After Barr’s arrest, the vehicle was towed to an impound lot. Pursuant to an inventory search of the vehicle, Madarang found several items: (1) a clear glass pipe, with white residue, commonly used to smoke methamphetamine laid on the driver’s side floorboard near the center console; (2) a large cloth bag, containing foil with black residue and \$113.00, hanging from a lever of the steering column; (3) more foil with a black tar substance consistent with heroin found in the center console; and (4) a

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sliding metal container holding a bag of a white crystal substance located in the cup holder. All items were found in plain view, although Madarang remembered seeing only the cloth bag hanging from the steering column's lever prior to arresting Barr.

¶4 The State's forensic scientist Shayna Smith testified she tested the items by preliminary color tests as well as by using a gas chromatograph mass spectrometer. The white crystal substance tested positive for methamphetamine and weighed 3.38 grams. The dark brown substance tested positive for heroin and weighed approximately .32 grams.

¶5 After a trial, the jury found Barr guilty of all charges. Barr was placed on supervised probation for three years for all counts. Barr was further ordered to serve 45 days in jail with presentence incarceration credit for 5 days. Additionally, Barr was ordered to pay the mandatory fines and fees. Barr timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes sections 12-120.21(A)(1), 13-4031, and -4033(A)(1).

DISCUSSION

¶6 We have read and considered counsel's brief and have reviewed the record for any arguable issues. *See Leon*, 104 Ariz. at 300. We find none.

¶7 Barr was present and represented by counsel at all stages of the proceedings against him. The record reflects the superior court afforded Barr all of his constitutional and statutory rights, and the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The court conducted appropriate pretrial hearings, and the evidence presented at trial and summarized above was sufficient to support the jury's verdicts. Barr's sentences were authorized by law.

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CONCLUSION

¶8 Barr's convictions and sentences are affirmed. After the filing of this decision, defense counsel's obligations pertaining to Barr's representation in this appeal will end after informing Barr of the outcome of this appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984).



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