

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

MUKHTAR IBRAHIM AHMED, *Appellant*.

No. 1 CA-CR 17-0614  
FILED 4-5-2018

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Appeal from the Superior Court in Maricopa County  
No. CR2017-105906-001 SE  
The Honorable Michael J. Herrod, Judge

**AFFIRMED**

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COUNSEL

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

Maricopa County Office of the Legal Advocate, Phoenix  
By Andrew Charles Marcy  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Maria Elena Cruz delivered the decision of the Court, in which Presiding Judge Michael J. Brown and Judge David D. Weinzweig joined.

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**C R U Z**, Judge:

¶1 This appeal is filed in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969). Counsel for Mukhtar Ibrahim Ahmed has advised this Court that counsel found no arguable questions of law and asks us to search the record for fundamental error. Ahmed was convicted, following a bench trial, of possession or use of marijuana, a non-dangerous, non-repetitive Class 1 misdemeanor. Ahmed was given an opportunity to file a supplemental brief *in propria persona*, but he has not done so. After reviewing the record, we affirm Ahmed's conviction and sentence.

**FACTUAL AND PROCEDURAL HISTORY**

¶2 In February 2017, Officers Cruse and Templeton performed a traffic stop of Ahmed on the suspicion that Ahmed was driving under the influence. As the officers approached the vehicle, they noticed a strong smell of marijuana. When asked about the odor, Ahmed did not act surprised, and he later said the marijuana belonged to his cousin who had left it in the vehicle. Officer Cruse asked Ahmed if he had a medical marijuana card, and Ahmed said no. Office Cruse then arrested Ahmed for driving under the influence and the officers performed an inventory search of the vehicle. Officer Templeton found a usable amount of a green substance he believed was marijuana in the glove box of the vehicle. Testing later revealed the substance was marijuana.

¶3 The State charged Ahmed with one count of possession or use of marijuana, a Class 6 felony. It later designated the offense as a Class 1 misdemeanor.

¶4 After a bench trial, the superior court suspended imposition of sentence and placed Ahmed on unsupervised probation for one year. Ahmed sought acquittal pursuant to Arizona Rule of Criminal Procedure 20, but the court denied the motion. Ahmed timely appealed, and we have

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jurisdiction pursuant to Arizona Revised Statutes sections 12-120.21(A)(1), 13-4031, and -4033(A)(1).

**DISCUSSION**

¶5 We review Ahmed's conviction and sentence for fundamental error. *See State v. Flores*, 227 Ariz. 509, 512, ¶ 12 (App. 2011). Counsel for Ahmed has advised this Court that after a diligent search of the entire record, counsel has found no arguable question of law. We have read and considered counsel's brief and fully reviewed the record for reversible error, *see Leon*, 104 Ariz. at 300, and find none. All the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, counsel represented Ahmed at all stages of the proceedings, and the sentence imposed was within the statutory guidelines. We decline to order briefing and affirm Ahmed's conviction and sentence.

¶6 Upon the filing of this decision, defense counsel shall inform Ahmed of the status of the appeal and of his future options. 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). Ahmed shall have thirty days from the date of this decision to proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

**CONCLUSION**

¶7 For the foregoing reasons, we affirm.



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