

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

RANDY SCROGGINS, *Appellant*.

No. 1 CA-CR 18-0699

FILED 9-26-2019

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Appeal from the Superior Court in Maricopa County

No. CR2017-100702-001

The Honorable Julie Ann Mata, 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 Cory Engle

*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge David D. Weinzweig delivered the decision of the Court, in which Presiding Judge Randall M. Howe and Judge Jennifer M. Perkins joined.

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**WEINZWEIG**, Judge:

¶1 Randy Scroggins appeals his convictions and sentences for possession or use of marijuana and possession of drug paraphernalia, class 1 misdemeanors. After searching the record and finding no arguable, non-frivolous question of law, Scroggins’s counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), asking this court to search the record for fundamental error. Scroggins had the opportunity to file a supplemental brief but did not. After reviewing the record, we affirm Scroggins’s convictions and sentences.

**FACTS AND PROCEDURAL BACKGROUND**

¶2 Police stopped a vehicle because its temporary tags were unreadable. Police arrested the driver because he had no license or registration. Scroggins was in the backseat. He was “very loud, causing a commotion, [making] vulgar statements, [and] yelling at [police].” He also disobeyed police commands to “remain still and keep his hands where they were.” Police decided to remove Scroggins from the vehicle, but Scroggins first threw a small bag near the front center console. Police retrieved the bag, which contained 898.2 mg of marijuana. They also found “wraps commonly used to make joints” in the back seat where Scroggins had been sitting. Police arrested Scroggins.

¶3 The State charged Scroggins with possession or use of marijuana and possession of drug paraphernalia, both class six felonies. A.R.S. §§ 13-3405(A)(1), (B)(1), -3415(A). Scroggins pleaded not guilty and rejected all plea offers. The State then moved to “amend the indictment in this case and designate the offense[s]” as class 1 misdemeanors. The State also moved to hold a bench trial. Scroggins did not object, and the superior court granted both motions.

¶4 The superior court held a bench trial. The court admitted two exhibits and heard testimony from two police officers, a forensic scientist

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and Scroggins. Scroggins testified that (1) he did not own the marijuana and (2) the driver had thrown the drug paraphernalia into the backseat. The court found him guilty of both charges and imposed 18 months of probation. The court also imposed these fines and fees: \$1,372.50 fine, which includes an 83% surcharge; \$25 monthly probation fee; \$20 probation assessment; \$20 time-payment fee; \$2 victim rights enforcement assessment; and \$13 law enforcement assessment. Scroggins timely appealed.

**DISCUSSION**

¶5 We have read and considered counsel's brief and have reviewed the record for reversible error. *See Leon*, 104 Ariz. at 300. We find none.

¶6 Scroggins was present and represented by counsel at all stages of the proceedings against him. The record reflects that the superior court afforded Scroggins all of his constitutional and statutory rights, and that 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 enough to support the court's verdicts. Scroggins's sentences fall within the range prescribed by law.

¶7 We correct two errors, however, in the sentencing minute entry and order dated October 1, 2018. First, the minute entry states that Scroggins's convictions were class 6 felonies, but they were charged as class 1 misdemeanors. Second, the minute entry states that Scroggins waived his right to a jury trial, but he was not entitled to a jury trial after the court granted the State's motions to charge both offenses as class 1 misdemeanors and hold a bench trial. *See Stoudamire v. Simon*, 213 Ariz. 296, 297-98, ¶¶ 2, 6 (App. 2006) (defendants have no right to jury trial for class 1 misdemeanor charges of possession of marijuana and possession of drug paraphernalia).

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CONCLUSION

¶8 Scroggins's convictions and sentences are affirmed. Counsel's obligations in this appeal will end once Scroggins is informed of the outcome and his future options, unless 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). On the court's own motion, Scroggins has 30 days from the date of this decision to proceed with a *pro se* motion for reconsideration or petition for review.



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