

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

MATTHEW ALAN TIMOTHY WILSON, *Appellant*.

No. 1 CA-CR 18-0900  
FILED 1-9-2020

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Appeal from the Superior Court in Yavapai County  
No. P1300CR201800146  
The Honorable Tina R. Ainley, Judge

**AFFIRMED**

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COUNSEL

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

Law Offices of Stephen L. Duncan, PLC, Scottsdale  
By Stephen L. Duncan  
*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 Matthew Alan Timothy Wilson appeals his convictions and sentences for possession or use of marijuana and possession of drug paraphernalia. After searching the record and finding no arguable, non-frivolous question of law, Wilson’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. Wilson had the opportunity to file a supplemental brief but did not. We affirm Wilson’s convictions and sentences after reviewing the record.

**FACTS AND PROCEDURAL BACKGROUND**

¶2 A sheriff’s deputy visited Wilson’s trailer to investigate a burglary. Wilson denied any knowledge of or involvement in the burglary. He agreed the deputy could enter the trailer to “look around” for a stolen television. The deputy did not find a stolen television, but he immediately smelled marijuana and saw a “small jar of a green, leafy substance” he “knew to be marijuana.” Wilson conceded he was “a little stoned” and did not have a valid medical marijuana card. The deputy seized the jar as evidence.

¶3 Wilson was indicted for possession or use of marijuana, a class 6 felony; possession of drug paraphernalia, a class 6 felony; first-degree trafficking in stolen property, a class 2 felony; second-degree burglary, a class 3 felony; and theft, a class 6 felony. He pleaded not guilty. The trafficking charge was dismissed before trial.

¶4 Defense counsel admitted Wilson’s guilt on the drug-related charges. The jury trial thus focused almost exclusively on the burglary and theft charges. The State still introduced the jar seized from Wilson, however, and a crime lab technician testified that the jar contained marijuana.

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¶5 The jury convicted Wilson of possession or use of marijuana and possession of drug paraphernalia, but found him not guilty of the burglary and theft charges. The superior court designated both drug-related offenses as class-one misdemeanors and placed Wilson on 18 months of unsupervised probation. The court also imposed various fines and fees. Wilson timely appealed. We have jurisdiction under Article 6, Section 9, of the Arizona Constitution, and A.R.S. §§ 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 reversible error. *See Leon*, 104 Ariz. at 300. We find none.

¶7 Wilson was present and represented by counsel at all stages of the proceedings against him. The record reflects that the superior court afforded Wilson all 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 sufficient to support the jury's verdicts. Wilson's sentences fall within the range prescribed by law.

**CONCLUSION**

¶8 Wilson's convictions and sentences are affirmed. Counsel's obligations in this appeal will end once Wilson 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 our own motion, Wilson 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