

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

RICHARD COLEMAN, *Appellant*.

No. 1 CA-CR 19-0559

FILED 10-29-2020

Appeal from the Superior Court in Maricopa County
No. CR2018-135254-001
The Honorable William R. Wingard, Judge *Pro Tempore*

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Michael O'Toole
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Rena P. Glitsos, Thomas K. Baird
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Randall M. Howe delivered the decision of the Court, in which Judge Kent E. Cattani and Judge Cynthia J. Bailey joined.

H O W E, 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 Richard Coleman has advised this Court that counsel found no arguable questions of law and asks us to search the record for fundamental error. Coleman was convicted of misconduct involving weapons, a class 4 felony. Coleman was given an opportunity to file a supplemental brief in propria persona; he has not done so. After reviewing the record, we affirm Coleman’s conviction and sentence.

FACTS AND PROCEDURAL HISTORY

¶2 We view the facts in the light most favorable to sustaining the judgment and resolve all reasonable inferences against Coleman. See *State v. Fontes*, 195 Ariz. 229, 230 ¶ 2 (App. 1998). In the early morning hours of July 27, 2018, Officer Vargas responded to a 911 call and began to investigate a potential assault. In the course of investigation, Officer Vargas asked Coleman his name and then ran a records check. Coleman had a misdemeanor warrant out for his arrest and Officer Vargas placed Coleman under arrest.

¶3 On search incident to arrest, Officer Vargas found a curved, black Karambit knife, sheathed, on Coleman’s right hip. Officer Vargas then checked to see if Coleman had any prior felony convictions and found that Coleman had prior felony convictions and his rights had not been restored. The State charged Coleman with misconduct involving weapons pursuant to him being a prohibited possessor.

¶4 Before trial, Coleman brought a *pro se* motion to suppress evidence in violation of his *Miranda*¹ rights. He argued that Officer Vargas improperly asked him to identify himself without first advising him of his *Miranda* rights. The trial court denied the motion.

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

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¶5 At trial, Officer Vargas identified Coleman as the man with the Karambit knife on July 17, 2018. A detective then testified that the Karambit knife was developed in Asia and was designed for combat and lethal use. Coleman declined to testify. The parties stipulated that Coleman was a convicted felon and a prohibited possessor and his civil rights to possess a deadly weapon were not restored. After the one-day trial, the jury found Coleman guilty of one count of misconduct involving weapons, a class four felony. Coleman was then sentenced to the mitigated term of six years under A.R.S. 13-703(J), as a category three repetitive offender.

DISCUSSION

¶6 We review Coleman's convictions and sentences for fundamental error. *See State v. Flores*, 227 Ariz. 509, 512 ¶ 12 (App. 2011). Counsel for Coleman has advised this Court that after a diligent search of the entire record, he has found no arguable question of law.

¶7 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. Counsel was appointed to Coleman, who subsequently decided to represent himself for the suppression hearing with advisory counsel present. After the suppression hearing, however, Coleman elected to have counsel represent him through trial and sentencing. The sentence imposed was within the statutory guidelines. We decline to order further briefing and affirm Coleman's conviction and sentence.

¶8 Upon the filing of this decision, defense counsel shall inform Coleman 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). Coleman shall have 30 days from the date of this decision to proceed, if he desires, with a pro per motion for reconsideration or petition for review.

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CONCLUSION

¶9 For the foregoing reasons, we affirm.



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