

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 08-03-2010
PHILIP G. URRY, CLERK
BY: DN

STATE OF ARIZONA,) 1 CA-CR 09-0357
)
Appellee,) DEPARTMENT D
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
MICHAEL CELAYA,) Rule 111, Rules of the
) Arizona Supreme Court)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2007-156245-001 DT

The Honorable Susan M. Brnovich, Judge
The Honorable Glenn M. Davis, Judge

AFFIRMED

Terry Goddard, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals/Capital Litigation Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Cory Engle, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz.

297, 451 P.2d 878 (1969). Counsel for Michael Celaya (defendant) has advised us that, after searching the entire record, she has been unable to discover any arguable questions of law and has filed a brief requesting this court to conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has not done so. For the following reasons, we affirm.

FACTUAL AND PROCEDURAL HISTORY

¶12 Defendant was charged by indictment with one count of misconduct involving weapons, and one count of possession or use of dangerous drugs, both class 4 felonies. The following evidence was presented at trial.¹

¶13 Defendant was a passenger in a vehicle driven by his friend, M.O. Phoenix Police Officer D.G. initiated a traffic stop because the vehicle was being operated with expired registration tags. During the stop, officer D.G. noticed that both M.O. and the defendant were leaning forward towards the dashboard in an unusual way. Officer D.G. testified that it appeared as if the men were attempting to "get in the glove

¹ Our obligation in this appeal is to review "the entire record for reversible error." *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the jury's verdict and resolve all inferences against defendant. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989) (citation omitted).

compartment or doing something with the dash." Officer D.G. then cleared all passengers from the vehicle and M.O. consented to having officers look inside the vehicle for registration. During the search, the glove compartment fell out from underneath the dashboard as officer D.G. attempted to open it. Officer D.G. testified that a gun and a baggie of drugs fell out from under the dash when the glove compartment detached. The drugs were taken to the Phoenix Crime Laboratory and determined to be methamphetamine. When questioned about the gun and the drugs, defendant admitted that both belonged to him.

¶4 At trial, defendant testified that he admitted to the police that the gun and drugs belonged to him in an attempt to cover for M.O. who had outstanding warrants in California. Defendant also testified that he had two prior felony convictions. Defendant further testified that he knew he was a prohibited possessor of firearms due to his prior convictions. A jury convicted defendant as charged. Defendant was found to have one prior felony conviction and was sentenced to six years imprisonment for count 1 and six years for count 2; both terms to run concurrently. Additionally, the court credited defendant with 605 days of presentence incarceration. Defendant timely appealed his convictions and sentences. We have jurisdiction pursuant to Article 6, Section 9 of the Arizona Constitution and

Arizona Revised Statutes §§ 12-120.21(A)(1), 13-4031 and -
4033(A)(1) (2010).

DISCUSSION

¶15 We have read and considered counsel's brief and have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, defendant was adequately represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he desires, with a *pro se* motion for reconsideration or petition for review.

CONCLUSION

¶16 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

MICHAEL J. BROWN, Presiding Judge

/s/

SHELDON H. WEISBERG, Judge