

¶1 Jason Charles McLeod appeals from his conviction and sentence for Leaving Scene of an Injury Accident, a class five felony. McLeod was sentenced on March 11, 2011, and timely filed a notice of appeal on March 16, 2011. McLeod's counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising this court that after searching the entire record on appeal, he finds no arguable ground for reversal. McLeod was granted leave to file a supplemental brief *in propria persona* on or before September 12, 2011, but did not do so.

¶2 We have jurisdiction pursuant to Article 6, Section 9 of the Arizona Constitution and Arizona Revised Statutes ("A.R.S") sections 12-120.21(A)(1) (2003), 13-4031 (2010), and 12-4033(A) (2010). We are required to search the record for reversible error. Finding no such error, we affirm.

Facts and Procedural Background

¶3 In the early morning of January 24, 2009, a Southwest Ambulance was near the intersection of Country Club Drive and Baseline Road, in Mesa. The ambulance driver and his partner saw a black Nissan Titan, speeding southbound on Country Club Drive, run the red light at the intersection. The ambulance continued southbound on Country Club and a short time later, they saw that same truck smashed into a pole on the southeast corner of Country Club Drive and Guadalupe Road, in Gilbert.

When the ambulance attendants saw the accident, they turned on the emergency lights and made sure the intersection was clear. As they turned on the emergency lights, they saw an individual exit the driver's side, run from the truck, return, and run again. The driver did not provide any information to the ambulance attendants. One of the ambulance attendants called in the accident and fire and police departments were dispatched to the scene. The ambulance attendants then searched the vehicle for any injured persons. They found a person in the passenger side. The person had blood on his face and complained of leg pain. The victim testified that he was the passenger in the vehicle. Eventually, the ambulance driver asked the victim who was driving and he responded, "Jay." In a recording taken at the scene of the accident, the victim was asked who was driving and he responded "Jason"; the victim confirmed during his testimony that is what he said.

¶4 The Mesa Fire Department and Gilbert Police Department responded to the scene and saw a black pickup truck crashed into a pole at the intersection. Only the passenger was in the truck. The police saw that the truck had a personalized license plate that read "JAY-WHO." Approximately one hour after arriving at the scene, officers went to the registered owner's residence in Mesa, and there was no one home. One of the officers left the residence and went to the hospital to conduct

follow-up with the victim. At the hospital, the victim told the officer that the driver of the vehicle was Jason McLeod.

¶5 On February 19, 2010, McLeod was charged with Leaving Scene of an Injury Accident, a class five felony. McLeod pled not guilty, and his case proceeded to trial. McLeod was represented by counsel, and he was present, or his presence was waived, at all times before and during trial.

¶6 At trial, the parties stipulated that the victim suffered a left hip dislocation, a fractured left joint, and laceration of his nose as a result of the accident. During deliberations, the jury reported a deadlock. In response, the judge gave an impasse instruction. The jury responded to the impasse instruction with two questions: (1) would it be possible to have additional testimony from the victim, and (2) what is the difference between reasonable doubt and shadow of a doubt. The judge answered that (1) no additional testimony or evidence would be offered and the jury must make its decision based on evidence in the record, and (2) the attorneys would address the jury on the issue of reasonable doubt the following morning. The judge gave the attorneys up to three minutes to address the jury on reasonable doubt, but not to discuss any facts of the case.

¶7 After the additional information from the attorneys and further deliberation, the jury again reported a deadlock.

However, approximately ten minutes later, the jury sent a note to retract the deadlock note. The judge had just told the attorneys about the deadlock when he received the retraction note. Thirty-five minutes later, the jury indicated that they were ready to give a verdict. At the conclusion of trial, an eight-person jury convicted McLeod of one count of Leaving Scene of Injury Accident. At sentencing, the trial judge provided McLeod an opportunity to speak and then ordered a sentence of two years probation and ten days' incarceration in county jail.

Disposition

¶8 We have reviewed the record and have found no meritorious grounds for reversal of McLeod's conviction or for modification of the sentence imposed. See *Anders*, 386 U.S. at 744; *Leon*, 104 Ariz. at 300, 451 P.2d at 881. McLeod was present, or his presence was waived, at all critical stages of the proceedings and was represented by counsel. All proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. Accordingly, we affirm.

¶9 After the filing of this decision, counsel's obligations in this appeal have ended subject to the following. Counsel need do no more than inform McLeod of the status of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-

85, 684 P.2d 154, 156-57 (1984). McLeod has thirty days from the date of this decision to proceed, if he desires, with a proper motion for reconsideration or petition for review.

/s/

DANIEL A. BARKER, Judge

CONCURRING:

/s/

ANN A. SCOTT TIMMER, Presiding Judge

/s/

PATRICK IRVINE, Judge