

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

ALBERT EDWARD MORELLI JR.,
Appellant.

No. 2 CA-CR 2019-0078
Filed May 4, 2020

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Pima County
No. CR20171207001
The Honorable Javier Chon-Lopez, Judge

AFFIRMED

COUNSEL

Joel Feinman, Pima County Public Defender
By David J. Euchner, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Chief Judge Vásquez and Judge Brearcliffe concurred.

S T A R I N G, Presiding Judge:

¶1 After a jury trial, Albert Morelli Jr. was convicted of possession of methamphetamine, marijuana, and drug paraphernalia, all while on release for a pending felony charge. The trial court sentenced him to concurrent prison terms, the longest of which is ten years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating he has reviewed the record but found no “arguable legal issues to raise on appeal” and asking this court to review the record for error. Morelli has filed a supplemental brief listing several claims, including that the state’s allegation that he had been on release at the time of his offenses was untimely, that the time limits of Rule 8, Ariz. R. Crim. P., were exceeded, that his trial counsel had been ineffective, that a witness had not been properly disclosed, and that there had been errors at sentencing.

¶3 Viewed in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, *see* A.R.S. §§ 13-3401(6)(c)(xxxviii), 13-3405(A)(1), 13-3407(A)(1), 13-3415(A). In March 2017, a deputy sheriff found Morelli asleep while parked on a roadside; as Morelli stepped out of the car after the officer woke him, the officer saw a “methamphetamine smoking pipe sticking out of his right front pocket.” After Morelli admitted there was methamphetamine in the car, the deputy searched the vehicle, finding 2.62 grams of methamphetamine, 7.37 grams of marijuana, and additional paraphernalia. Morelli was on release for a pending felony charge at the time of his arrest.

¶4 Sufficient evidence supports the trial court’s finding that Morelli had numerous previous felony convictions, including four for aggravated driving under the influence. His sentences are within the statutory range. *See* A.R.S. §§ 13-703(C), (J), 13-708(D), 13-3405(B)(1),

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13-3407(B)(1), 13-3415(A). We have reviewed the issues Morelli identifies in his supplemental brief. His claim that trial counsel was ineffective must be raised in a post-conviction proceeding. See *State v. Spreitz*, 202 Ariz. 1, ¶ 9 (2002). His remaining claims are not arguable issues requiring further briefing. See *State v. Thompson*, 229 Ariz. 43, ¶ 3 (App. 2012).

¶5 Pursuant to our obligation under *Anders*, we searched the record for reversible error, including the purported errors Morelli identified in his supplemental brief, and found none. Accordingly, we affirm Morelli's convictions and sentences.