

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

FILED BY CLERK

APR 29 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0300
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
RAYMOND RODRIGUEZ,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR201100703

Honorable James L. Conlogue, Judge

AFFIRMED

John R. Gustafson

Tempe
Attorney for Appellant

MILLER, Judge.

¶1 Appellant Raymond Rodriguez was convicted pursuant to a plea agreement of possession of drug paraphernalia in exchange for the dismissal of a separate charge of possession of paraphernalia and possession of cocaine. The trial court suspended the imposition of sentence and placed Rodriguez on supervised probation for three years. This appeal follows the court’s revocation of probation after a contested hearing and imposition of the presumptive prison term of one year.

¶2 Appointed counsel has filed a brief pursuant to and in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), *State v. Thompson*, 229 Ariz. 43, 270 P.3d 870 (App. 2012), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has found no “arguable grounds for reversal or remand” and no “non-frivolous issues to raise in this appeal.” Rodriguez has not filed a supplemental brief. We have reviewed the record as counsel has requested and have found no reversible error with respect to the probation revocation proceeding or the disposition. Rather, the evidence, which includes the probation officer’s testimony, forms Rodriguez had signed admitting his drug use, and urinalysis test results, amply supports the trial court’s determination that Rodriguez had violated the terms of probation by using marijuana and cocaine.

¶3 Additionally, nothing in the record establishes the trial court abused its discretion or otherwise erred in revoking probation and sentencing Rodriguez to prison. The court’s decision to revoke probation is supported by the record, which shows this was the second revocation proceeding in this matter; the court previously had placed him on intensive probation after Rodriguez admitted and the court found he had violated

conditions of probation. And, the one-year-prison term, the presumptive term for the offense of possession of paraphernalia, a class six felony, is well within statutory parameters and was imposed in a lawful manner. *See* A.R.S. § 13-702(D).

¶4 We affirm the trial court's orders finding Rodriguez violated probation, revoking probation, and sentencing him to prison.

/s/ Michael Miller

MICHAEL MILLER, Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge