

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

MASHELLE LAVERN WOMACK,
Appellant.

No. 2 CA-CR 2013-0266
Filed March 20, 2014

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NOT FOR PUBLICATION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); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County

No. CR20122834001

The Honorable Deborah Bernini, Judge

AFFIRMED

COUNSEL

Emily Danies, Tucson
Counsel for Appellant

STATE v. WOMACK
Decision of the Court

MEMORANDUM DECISION

Chief Judge Howard authored the decision of the Court, in which Judge Miller and Judge Brammer¹ concurred.

H O W A R D, Chief Judge:

¶1 Appellant Mashelle Womack was convicted after a jury trial of possession of four pounds or more of marijuana for sale, transportation of two pounds or more of marijuana for sale, and possession of drug paraphernalia. She appealed, and counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has found no arguable question of law to raise on appeal and requesting that this court search the record for fundamental error. Womack has not filed a supplemental brief.

¶2 The evidence, viewed in the light most favorable to sustaining the verdicts, *State v. Haight-Gyuro*, 218 Ariz. 356, ¶ 2, 186 P.3d 33, 34 (App. 2008), establishes a Pima County Sheriff's deputy saw Womack's vehicle traveling in excess of the posted speed limit and failing to stop at a stop sign. The deputy then met Womack at her home. He, like other deputies who subsequently arrived at the scene, smelled the overwhelming odor of marijuana as he approached the car; saw burlap and a rope, which often are used to package marijuana, in the back seat; and arrested Womack. She admitted she had driven to a prearranged area in the desert and had picked up bundles of marijuana from individuals who had packed the marijuana in the trunk, in which officers found "shake" or "crumbs" of marijuana, including "strings and sticks and stems . . . from a larger bundle of marijuana." The parties stipulated and the

¹The Hon. J. William Brammer, Jr., a retired judge of this court, is called back to active duty and is assigned to serve on this case pursuant to orders of this court and the supreme court.

STATE v. WOMACK
Decision of the Court

evidence established 431 pounds of marijuana were found in a shed on Womack's property, and Womack admitted to the deputy that she was to be paid \$1,500 to bring the marijuana to the house.

¶3 The record contains substantial evidence establishing Womack had committed the offenses of possession of four pounds or more of marijuana for sale, in violation of A.R.S. § 13-3405(A)(2), transportation of two pounds or more of marijuana for sale, in violation of § 13-3405(A)(4), and possession of drug paraphernalia, in violation of A.R.S. § 13-3415(A). We have searched the record as requested and see no error with respect to the convictions that can be characterized as fundamental, prejudicial error. The concurrent, mitigated prison terms of three years for the transportation and possession charges and .33 years for the paraphernalia charge, were within statutory limits and imposed in a lawful manner.

¶4 Accordingly, we affirm Womack's convictions and the sentences imposed.