

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JESSIE TITO MELENDREZ,
Appellant.

No. 2 CA-CR 2015-0344
Filed September 7, 2016

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NOT FOR PUBLICATION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. 31.24.

Appeal from the Superior Court in Pima County
No. CR20134508001
The Honorable Teresa Godoy, Judge Pro Tempore

AFFIRMED

COUNSEL

Mark Brnovich, Arizona Attorney General
Joseph T. Maziarz, Section Chief Counsel, Phoenix
By Amy M. Thorson, Assistant Attorney General, Tucson
Counsel for Appellee

Dean Brault, Pima County Legal Defender
By Robb P. Holmes, Assistant Legal Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Miller concurred.

V Á S Q U E Z, Presiding Judge:

¶1 After a jury trial, Jessie Melendrez was convicted of seven drug-related offenses. The trial court sentenced him to concurrent prison terms, the longest of which are 15.75 years. On appeal, Melendrez contends the court erred by denying his motion to suppress and his motion for a judgment of acquittal. He also maintains the court erroneously admitted evidence of other acts and testimony that he characterizes as “an opinion of [his] guilt.” For the following reasons, we affirm.

Factual and Procedural Background

¶2 We view the facts and all reasonable inferences therefrom in the light most favorable to upholding Melendrez’s convictions. *See State v. Allen*, 235 Ariz. 72, ¶ 2, 326 P.3d 339, 341 (App. 2014). In October 2013, officers arrested K.C. for drug possession. In exchange for her release, K.C. offered information about Melendrez, who she said was a “supplier of heroin and methamphetamine in the Tucson area.” During a subsequent meeting with a detective, K.C. referred to Melendrez as “Jessie” and described his car, the location of his house, and where he kept the drugs in his house. Officers drove K.C. to the area where she said Melendrez lived, and she identified his house. A car that matched the description K.C. had given was also parked outside, and a records check revealed that it belonged to Melendrez.

¶3 While an officer kept the house under surveillance, the detective directed K.C. to place three telephone calls to Melendrez to arrange a purchase of heroin and methamphetamine at a nearby grocery store. During the third call, K.C. told Melendrez she was at the store, and he said he would “be right there.” About a minute after that call ended, the officer watching the house saw the car

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belonging to Melendrez leave. Two other officers began following the car, observed two traffic violations, and initiated a stop.

¶4 Melendrez was driving the vehicle with a fifteen-year-old passenger, who stated that she was Melendrez's daughter. As the officers gathered information from Melendrez and the passenger, a drug-detection dog was brought to the scene, and it alerted to the presence of drugs on both door handles and the passenger seat of the car. During a search of the car, officers found a handgun in the center-console area. The passenger, who officers had identified as Z.G., admitted to the detective that Melendrez was not her father and that she had concealed drugs inside her body. Z.G. was then taken to the police station where she retrieved the drugs, consisting of approximately 24.9 grams of heroin and 27.7 grams of methamphetamine.

¶5 Meanwhile, the detective obtained a search warrant for Melendrez's house. There, officers found approximately 25.1 grams of heroin and 276.7 grams of methamphetamine concealed in a pipe in the living room wall, which was consistent with K.C.'s description of where Melendrez had hidden the drugs. Officers also found drug paraphernalia, including scales, baggies, straws, and foil; approximately \$2,500 cash, most of which was inside a man's jacket pocket that also contained a baggie of methamphetamine; a man's shirt with a baggie of heroin in the pocket; and a revolver.

¶6 A grand jury indicted Melendrez for transportation of a dangerous drug for sale (methamphetamine), transportation of a narcotic drug for sale (heroin), weapons misconduct for possessing a weapon during the commission of a felony drug offense, possession of a dangerous drug for sale (methamphetamine), possession of a narcotic drug for sale (heroin), possession of drug paraphernalia, and second-degree money laundering.¹

¹Melendrez was also indicted for a second count of weapons misconduct for possessing a deadly weapon as a prohibited possessor. However, the trial court severed that count for trial and later dismissed it at the state's request.

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¶7 Before trial, Melendrez moved to suppress the evidence, arguing the officers illegally stopped his car based on information from K.C., “an unknown informant,” and pretextual traffic violations. As part of the latter argument, he maintained that the dog sniff unreasonably prolonged the traffic stop. After an evidentiary hearing, the trial court denied the motion. It found that “the officers took great lengths to corroborate [K.C.’s] information” and that they “had reasonable suspicion to believe that a crime [was being] committed and [Melendrez] was committing said crime.” The court additionally noted that the traffic violations provided an “additional reason” for the stop but “the reason” for the stop was “the narcotics transaction” and the “scope of the detention” was “reasonably related” to that purpose.

¶8 A jury convicted Melendrez as charged, and the trial court sentenced him as described above. This appeal followed. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031, and 13-4033(A)(1).

Motion to Suppress

¶9 Melendrez argues the trial court erred by denying his motion to suppress because the officers lacked reasonable suspicion to stop his car. “When reviewing a trial court’s denial of a motion to suppress, we review only the evidence presented at the hearing on the motion to suppress, and we view it in the light most favorable to sustaining the trial court’s ruling.” *State v. Gay*, 214 Ariz. 214, ¶ 4, 150 P.3d 787, 790 (App. 2007) (internal citation omitted). Although we defer to the trial court’s findings of fact, we review de novo its determination that the officers had reasonable suspicion to justify the stop. *State v. Fornof*, 218 Ariz. 74, ¶ 5, 179 P.3d 954, 956 (App. 2008).

¶10 The United States and Arizona Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Ariz. Const. art. II, § 8. “The protection against unreasonable seizures ‘extend[s] to brief investigatory stops of persons or vehicles that fall short of traditional arrest.’” *State v. Teagle*, 217 Ariz. 17, ¶ 20, 170 P.3d 266, 271 (App. 2007), quoting *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (alteration in *Teagle*). However, “[a] police officer

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may make a limited investigatory stop if the officer has an ‘articulable, reasonable suspicion’ that ‘the suspect is involved in criminal activity.’” *State v. Woods*, 236 Ariz. 527, ¶ 11, 342 P.3d 863, 866 (App. 2015), quoting *Teagle*, 217 Ariz. 17, ¶ 20, 170 P.3d at 271-72; see also *Terry v. Ohio*, 392 U.S. 1, 30 (1968) (stop permissible if officer has reasonable suspicion that “criminal activity may be afoot”).

¶11 Reasonable suspicion is a “commonsense, nontechnical concept[] that deal[s] with ‘the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.’” *Ornelas v. United States*, 517 U.S. 690, 695 (1996), quoting *Illinois v. Gates*, 462 U.S. 213, 231 (1983). Whether reasonable suspicion exists depends on “‘the totality of the circumstances – the whole picture’ of what occurred at the scene.” *State v. Evans*, 237 Ariz. 231, ¶ 8, 349 P.3d 205, 208 (2015), quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981). Although an officer may not rely on a mere “hunch” to justify a stop, “the likelihood of criminal activity need not rise to the level required for probable cause.” *Arvizu*, 534 U.S. at 274, quoting *Terry*, 392 U.S. at 27. Consideration “must be given . . . to the specific reasonable inferences [that an officer] is entitled to draw from the facts in light of his experience” and training. *Terry*, 392 U.S. at 27; see also *State v. Sweeney*, 224 Ariz. 107, ¶ 22, 227 P.3d 868, 873 (App. 2010).

¶12 Melendrez maintains “the information that the officers had at the time of the stop did not establish reasonable suspicion that criminal activity was ‘afoot.’” He asserts that K.C. was “an untested informant” and that it was therefore “important for the police to corroborate her information.” Melendrez further argues that “[a]ll of the corroboration of criminal activity occurred after the police stopped Melendrez’s vehicle.”

¶13 We agree with Melendrez that K.C. was not a known, reliable informant and that the officers needed to corroborate the details of her information through their own observations to establish reasonable suspicion for the investigatory stop. Cf. *State v. Altieri*, 191 Ariz. 1, ¶ 9, 951 P.2d 866, 868 (1997) (anonymous tip may support stop, but tip must contain sufficiently detailed circumstances to demonstrate reliability or officers can corroborate tip through independent observations); *State v. Saez*, 173 Ariz. 624,

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627, 845 P.2d 1119, 1122 (App. 1992) (tip from reliable informant and corroborating circumstances support finding of reasonable suspicion). However, before the stop, the officers corroborated K.C.'s information, which proved reliable.

¶14 In her interview with the detective, K.C. identified Melendrez by his first name, "Jessie," described his car and the location of his house, and reported that he sold heroin and methamphetamine. She then drove with officers to the house, which had a car parked out front—both the house and the car matched K.C.'s description. Specifically, K.C. described the house as "cater[-]corner" to a convenience store that was "right up the street" from the police station and the car as a "maroon sedan with nice rims." In addition, the officers performed a records check on the car and confirmed that it belonged to "Jessie" Melendrez.

¶15 The detective also listened to three telephone calls between K.C. and Melendrez in which she arranged to buy heroin and methamphetamine from him at a location "away from the residence." Within a minute after the final call, which occurred at 2:20 a.m., Melendrez's car left the house. Based on the totality of the circumstances, the officers had reasonable suspicion that criminal activity—specifically, a drug offense—was afoot. *See Sweeney*, 224 Ariz. 107, ¶ 22, 227 P.3d at 873. The trial court therefore did not err by denying the motion to suppress.² *See Fornof*, 218 Ariz. 74, ¶ 5, 179 P.3d at 956.

²Melendrez alternatively contends that the officers lacked reasonable suspicion to stop his car based on the traffic violations because they were "a pretext for the stop" and the dog sniff caused unreasonable delay under *Rodriguez v. United States*, ___ U.S. ___, 135 S. Ct. 1609 (2015). We need not address this argument, however, because the officers had reasonable suspicion for the stop based on the drug offense. *See State v. Boteo-Flores*, 230 Ariz. 551, ¶ 8, 288 P.3d 111, 113 (App. 2012) (denial of motion to suppress affirmed for any legally correct reason). And in any event, "the subjective motives of an officer do not invalidate an otherwise lawful traffic stop." *State v. Livingston*, 206 Ariz. 145, ¶ 13, 75 P.3d 1103, 1106 (App. 2003).

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Motion for a Judgment of Acquittal

¶16 Melendrez next contends the trial court erred by denying his motion for a judgment of acquittal pursuant to Rule 20, Ariz. R. Crim. P., for weapons misconduct. We review de novo the sufficiency of the evidence. *State v. Snider*, 233 Ariz. 243, ¶ 4, 311 P.3d 656, 658 (App. 2013). “[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. West*, 226 Ariz. 559, ¶ 16, 250 P.3d 1188, 1191 (2011), quoting *State v. Mathers*, 165 Ariz. 64, 66, 796 P.2d 866, 868 (1990). We will reverse only if no substantial evidence supports the conviction. *State v. Rivera*, 226 Ariz. 325, ¶ 3, 247 P.3d 560, 562 (App. 2011). “Substantial evidence is proof that reasonable persons could accept as sufficient to support a conclusion of a defendant’s guilt beyond a reasonable doubt.” *Id.*, quoting *State v. Spears*, 184 Ariz. 277, 290, 908 P.2d 1062, 1075 (1996). Substantial evidence may be direct or circumstantial. *State v. Pena*, 209 Ariz. 503, ¶ 7, 104 P.3d 873, 875 (App. 2005).

¶17 “A person commits misconduct involving weapons by knowingly . . . [u]sing or possessing a deadly weapon during the commission of any felony offense included in chapter 34” of title 13. A.R.S. § 13-3102(A)(8). Title 13, chapter 34 consists of “Drug Offenses,” including transportation and possession of dangerous and narcotic drugs for sale and possession of drug paraphernalia. A.R.S. §§ 13-3407, 13-3408, 13-3415. A “deadly weapon” includes “anything that is designed for lethal use,” including a firearm. A.R.S. § 13-3101(A)(1). Possession may be actual—the person exercises direct physical control over the weapon—or constructive—the person exercises dominion or control over it. *State v. Gonsalves*, 231 Ariz. 521, ¶ 9, 297 P.3d 927, 929 (App. 2013).

¶18 In *State v. Petrak*, this court determined that § 13-3102(A)(8) “requires more than a mere temporal nexus between the weapon and the crime alleged.” 198 Ariz. 260, ¶ 19, 8 P.3d 1174, 1179 (App. 2010). Rather, “[t]he state must prove that the defendant intended to use or could have used the weapon to further the felony drug offense underlying the weapons misconduct charge.” *Id.* We explained that the state could do so by showing “spatial proximity

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and accessibility of the weapon to the defendant and to the site of the drug offense.” *Id.*

¶19 Relying on *Petrak*, Melendrez maintains, “[T]he state failed to show that the gun was in the car to further the felony drug offense.” He argues that “the presence of the handgun and the presence of the drugs were merely coincidental.” He points out that he told the officers someone had given him the gun to pay off a debt and claims that he did not know about the drugs Z.G. had in the car. He additionally asserts the gun “would not fire reliably” and “[i]t seems unlikely that if a drug dealer thought he might need a firearm during a drug transaction that he would use an unreliable [one].” We are unpersuaded by Melendrez’s argument.

¶20 K.C. arranged over the telephone to purchase heroin and methamphetamine from Melendrez. Within a minute after K.C. notified Melendrez that she was at the meeting location, he left his house. The passenger in Melendrez’s car, Z.G., had both heroin and methamphetamine in her possession. The officer who found the handgun in the car explained that it was behind a loose piece of plastic that was part of the center console. The detective testified that the handgun had been accessible from the driver’s side, where Melendrez was sitting at the time of the stop. He also explained that the gun had “successfully fired a bullet,” despite not functioning properly at an extreme incline or decline position.³ The state met its burden of showing Melendrez “intended to use or could have used” the handgun to further a felony drug offense. *Id.* The trial court therefore did not err by denying the motion for a judgment of acquittal. *See Snider*, 233 Ariz. 243, ¶ 4, 311 P.3d at 658.

¶21 Melendrez nevertheless relies on federal case law to suggest that the state needed to prove he possessed the firearm to “promote” or “facilitate” the underlying drug offense. *See United States v. Lomax*, 293 F.3d 701, 705 (4th Cir. 2002) (18 U.S.C. § 924(c) “requires the government to present evidence indicating that the

³A firearm that is “in permanently inoperable condition” does not satisfy the definition of a “deadly weapon.” A.R.S. § 13-105(19). Neither Melendrez nor the record suggests that was the case here.

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possession of a firearm furthered, advanced, or helped forward a drug trafficking crime"); *United States v. Mackey*, 265 F.3d 457, 460-62 (6th Cir. 2001) (same). But as we pointed out in *Petrak*, § 13-3102(A)(8) and its federal counterpart, 18 U.S.C. § 924(c), "differ[] significantly," and the federal case law is therefore not instructive. 198 Ariz. 260, ¶ 14, 8 P.3d at 1179.

Other Acts

¶22 Melendrez contends the trial court erred by admitting evidence of his prior drug sales to K.C. We review a trial court's admission of evidence of other acts for an abuse of discretion. *State v. Mott*, 187 Ariz. 536, 545, 931 P.2d 1043, 1055 (1997); *State v. Salman*, 182 Ariz. 359, 364, 897 P.2d 661, 666 (App. 1994).

¶23 Before trial, the prosecutor filed a motion in limine to admit evidence of Melendrez's prior acts of selling heroin and methamphetamine to K.C. The prosecutor argued the evidence was admissible to establish "the identity of the person who agreed to provide drugs" to K.C. over the telephone "and transported said drugs." The prosecutor also maintained the evidence was relevant to show "motive, intent, preparation, plan, knowledge, and absence of mistake." Melendrez responded that the evidence was "far more prejudicial than probative," particularly if the sales had occurred long ago. After confirming that the sales had occurred within the past six months, the trial court ruled the evidence admissible.

¶24 Generally, "evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith." Ariz. R. Evid. 404(b). However, such evidence may be admissible for other purposes, including "proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." *Id.*

¶25 Melendrez first maintains the trial court erred in admitting evidence of his prior drug sales to K.C. to establish identity and intent under Rule 404(b). He asserts that "[t]he issue was ownership and possession of the drugs, money, and weapon" because his defense was that Z.G. "owned the drugs in the car" and "the drugs and [money] in the house belonged to his roommates."

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He therefore reasons that the state's "proffered non-character reasons for admitting the prior drug sales were [not] relevant to any disputed fact."

¶26 As the state points out, Melendrez's argument on appeal is different from the one he raised below. There, he argued only that the evidence was "more prejudicial than probative." "[A]n objection on one ground does not preserve the issue on another ground." *State v. Lopez*, 217 Ariz. 433, ¶ 4, 175 P.3d 682, 683 (App. 2008). The argument is therefore forfeited for all but fundamental, prejudicial error. *See id.*; *see also State v. Henderson*, 210 Ariz. 561, ¶¶ 19-20, 115 P.3d 601, 607 (2005). But Melendrez does not argue on appeal that the error was fundamental, and, because we conclude no such error occurred, the argument is waived.⁴ *See State v. Moreno-Medrano*, 218 Ariz. 349, ¶ 17, 185 P.3d 135, 140 (App. 2008).

¶27 Even assuming the argument were not waived, however, we find no error—fundamental or otherwise—in the admission of the evidence of his prior drug sales to K.C. Whether Melendrez was the person on the telephone agreeing to the drug transaction with K.C. and, consequently, whether he knowingly transported the drugs in his car for that purpose were primary issues in this case. K.C.'s history and prior drug transactions with Melendrez tended to show that he was the person on the telephone. *Cf. State v. Padilla*, 122 Ariz. 378, 379, 595 P.2d 170, 171 (1979) (testimony regarding prior sales admissible since it tended to prove accuracy of identification of defendant by officers). Based on their previous interactions, K.C. was familiar with the drugs' nicknames that Melendrez used and was able to use those nicknames during their telephone calls. K.C. also was able to request certain drugs—

⁴Melendrez maintains that "this court must review the record for fundamental error even if [the] defendant fails to raise the issue on appeal." However, he relies on A.R.S. § 13-4035, which has been repealed. *See* 1995 Ariz. Sess. Laws, ch. 198, § 1. Although we will not ignore fundamental error if we find it, we have no affirmative duty to search the record for it. *State v. Fernandez*, 216 Ariz. 545, ¶ 32, 169 P.3d 641, 650 (App. 2007); *see also State v. Mann*, 188 Ariz. 220, 231, 934 P.2d 784, 795 (1997).

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heroin and methamphetamine—in quantities she knew Melendrez could provide. The evidence was therefore proper to show Melendrez’s identity. *See State v. Stuard*, 176 Ariz. 589, 597, 863 P.2d 881, 889 (1993) (evidence admissible to prove identity if it is issue in case and defendant’s prior act and crime charged are sufficiently distinct that proof of one tends to prove involvement in the other).

¶28 Melendrez next argues the trial court erred by failing to provide a limiting instruction, which created “a substantial risk of unfair prejudice because the jury was never told that its consideration of this evidence should be limited to noncharacter factors.” But the court offered to give a limiting instruction and Melendrez refused, explaining it was “a strategic decision so [the evidence is] not emphasized.” “One may not deliberately inject error in the record and then profit from it on appeal.” *State v. Tassler*, 159 Ariz. 183, 185, 765 P.2d 1007, 1009 (App. 1988). Because Melendrez invited any error, the argument is waived. *See State v. Diaz*, 168 Ariz. 363, 365, 813 P.2d 728, 730 (1991); *cf. State v. Dutton*, 106 Ariz. 463, 466, 478 P.2d 87, 90 (1970) (defendant cannot object to instruction he requested).

Opinion Testimony

¶29 Lastly, Melendrez contends the trial court erred by admitting testimony from the detective “that was tantamount to expressing an opinion of Melendrez’s guilt.” The admission of evidence is left to the sound discretion of the trial court and will not be disturbed on appeal absent a clear abuse of that discretion. *State v. Meraz*, 152 Ariz. 588, 589, 734 P.2d 73, 74 (1987); *State v. Ayala*, 178 Ariz. 385, 387, 873 P.2d 1307, 1309 (App. 1994).

¶30 During cross-examination, defense counsel asked the detective, “So [Z.G.] was not charged in this [case]?” After the detective stated she had not been charged, defense counsel followed up with, “[B]ut [she] admitted to having drugs that night, correct?” The detective agreed. On redirect, the prosecutor asked the detective why Z.G. had not been charged. Defense counsel objected, arguing that the determination of whether to charge Z.G. was “a legal judgment that goes way beyond [the detective’s] expertise.” The trial court overruled the objection, explaining that during cross-

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examination defense counsel had highlighted that Z.G. was not charged and the detective therefore “c[ould] explain his reasons why.” The detective then was permitted to testify that Z.G. had not been charged because the officers viewed her as a victim.

¶31 Melendrez argues the detective’s testimony that they did not charge Z.G. because they considered her a victim was “improper.” He maintains that “[e]xpressions of opinion of guilt are inadmissible” and that the detective’s statement was “another way of stating his opinion that the drugs belonged to Melendrez . . . and that he was guilty of possession for sale.”

¶32 However, Melendrez’s argument on appeal is different than his objection below. Because he did not preserve this particular argument for appeal, we review solely for fundamental, prejudicial error. *See Lopez*, 217 Ariz. 433, ¶ 4, 175 P.3d at 683-84; *see also Henderson*, 210 Ariz. 561, ¶¶ 19-20, 115 P.3d at 607. And because Melendrez does not argue on appeal that the error was fundamental, and, because we conclude no such error occurred, the argument is waived. *See Moreno-Medrano*, 218 Ariz. 349, ¶ 17, 185 P.3d at 140.

¶33 Assuming the argument were not waived, we nonetheless disagree with Melendrez that the detective’s testimony was improper. The detective did not opine that Melendrez was guilty. *Cf. State v. King*, 180 Ariz. 268, 280, 883 P.2d 1024, 1036 (1994) (opinion testimony admissible where state did not ask witnesses “whether, in their opinion, defendant committed first-degree murder”). Rather, he explained that they had not charged Z.G. with a criminal offense because they viewed her as a victim – a statement that was brought about by Melendrez’s own cross-examination.

¶34 “[W]hen an attorney ‘opens the door’ to otherwise irrelevant evidence, another party may comment or respond with comments on the same subject” *State v. Roberts*, 144 Ariz. 572, 575, 698 P.2d 1291, 1294 (App. 1985); *see also Pool v. Superior Court*, 139 Ariz. 98, 103, 677 P.2d 261, 266 (1984). And the party opening the door to such evidence is precluded from “complain[ing] about a result he caused.” *State v. Kemp*, 185 Ariz. 52, 60-61, 912 P.2d 1281, 1289-90 (1996), *quoting State v. Lindsey*, 149 Ariz. 472, 477, 720 P.2d 73, 78 (1986). It “is most often applied to situations where evidence

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adduced or comments made by one party . . . require some response or rebuttal.” *Pool*, 139 Ariz. at 103, 677 P.2d at 266. As the trial court pointed out, defense counsel questioned the detective during cross-examination about whether Z.G. had been charged. He therefore opened the door for the prosecutor to ask the detective why she had not been charged. *See id.* Consequently, we cannot say the court abused its discretion in admitting the evidence. *See Roberts*, 144 Ariz. at 575, 698 P.2d at 1294.

¶35 Melendrez additionally contends the detective’s testimony was “misleading” because, “if [Z.G.] had been prosecuted, her statements and the evidence seized from her would have been suppressed [as] taken in violation of her *Miranda*⁵ rights and involuntary.” He speculates that “the police made a conscious decision to violate [Z.G.’s] rights and forego prosecuting her, knowing that Melendrez would lack standing to challenge the illegal interrogation and seizure of drugs from her.” *See United States v. Padilla*, 508 U.S. 77, 81 (1993) (“It has long been the rule that a defendant can urge the suppression of evidence obtained in violation of the Fourth Amendment only if that defendant demonstrates that *his* Fourth Amendment rights were violated by the challenged search or seizure.”). But we agree with the state that Melendrez’s claim concerning the officers’ motivation for not charging Z.G. is “wholly speculative.”

¶36 Moreover, the issue is whether the trial court erred in admitting the detective’s testimony explaining why Z.G. had not been charged with a criminal offense. But Melendrez’s argument consists of general assertions about the “[e]xtra precautions” necessary when a juvenile is arrested or interrogated. He has not pointed us to any authority—and we are aware of none—for the proposition that a violation of Z.G.’s constitutional rights renders the detective’s testimony inadmissible at Melendrez’s trial. *Cf. Young v. Bishop*, 88 Ariz. 140, 147, 353 P.2d 1017, 1022 (1960) (“[O]ur review is limited by the posture of the case presented on appeal.”).

⁵*Miranda v. Arizona*, 384 U.S. 436 (1966).

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Disposition

¶37 For the forgoing reasons, we affirm Melendrez's convictions and sentences.