

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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STATE OF ARIZONA, *Appellee*,

*v.*

JOHN WAYNE RIDENER, JR., *Appellant*.

No. 1 CA-CR 15-0572  
FILED 8-9-2016

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Appeal from the Superior Court in Maricopa County  
No. CR2013-449652-001  
The Honorable Christopher A. Coury, Judge

**AFFIRMED**

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COUNSEL

Arizona Attorney General's Office, Phoenix  
By Joseph T. Maziarz  
*Counsel for Appellee*

Maricopa County Public Defender's Office, Phoenix  
By Spencer D. Heffel  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Peter B. Swann delivered the decision of the court, in which Judge Lawrence F. Winthrop and Judge Donn Kessler joined.

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**S W A N N**, Judge:

¶1 This is an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), from John Wayne Ridener, Jr.'s ("Defendant['s]") convictions and sentences for possession of dangerous drugs and possession of drug paraphernalia. Defendant was given the opportunity to file a supplemental brief *in propria persona*, but did not do so. We have reviewed the record for fundamental error. See *Anders*, 386 U.S. 738; *Smith v. Robbins*, 528 U.S. 259 (2000); *State v. Clark*, 196 Ariz. 530 (App. 1999).

¶2 A person commits possession of dangerous drugs when he knowingly possesses methamphetamine, and he commits possession of drug paraphernalia when he possesses, with the intent to use, equipment used or intended for use in ingesting, inhaling, or otherwise introducing methamphetamine into the human body. A.R.S. §§ 13-3407(A)(1), -3401(6)(b)(xxxviii), -3415(A) & (F)(2). The state presented evidence that after Defendant was placed under lawful arrest for an unrelated offense, a police officer searched the satchel that Defendant carried on his person. Inside the satchel, the officer found an eyeglasses case that contained a glass pipe with white residue and a plastic baggie of a white crystalline substance. Later testing showed that the substance in the baggie was methamphetamine, and the officer testified that the glass pipe was of the type typically used to ingest methamphetamine. The evidence was sufficient to support Defendant's convictions.

¶3 The state also presented sufficient evidence to support the court's finding that Defendant had two historical prior felony convictions as defined under A.R.S. § 13-105(22)(c). The court properly sentenced Defendant to concurrent prison terms of 7 and 2.5 years under A.R.S. §§ 13-3407(B)(1), -3415(A), and -703(C) & (J), and correctly credited Defendant with 59 days of presentence incarceration under A.R.S. § 13-712(B).

¶4 We discern no fundamental error. Defendant was present and represented by counsel at all critical stages, the jury was properly

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comprised, and there is no evidence of any juror misconduct or bias. Defendant was permitted to speak at sentencing, and the court stated on the record the materials it considered and the factors it found in imposing sentence.

¶5 We affirm Defendant's convictions and sentences. Defense counsel's obligations pertaining to this appeal have come to an end. See *State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Unless, upon review, counsel discovers an issue appropriate for petition for review to the Arizona Supreme Court, counsel must only inform Defendant of the status of this appeal and his future options. *Id.* Defendant has 30 days from the date of this decision to file a petition for review *in propria persona*. See Ariz. R. Crim. P. 31.19(a). Upon the court's own motion, Defendant has 30 days from the date of this decision in which to file a motion for reconsideration.



Ruth A. Willingham · Clerk of the Court

FILED : AA