

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Sup. Ct. 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 4/16/2013
RUTH A. WILLINGHAM,
CLERK
BY: mjt

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,) 1 CA-CR 12-0101
)
Appellee,) DEPARTMENT D
)
) **MEMORANDUM DECISION**
v.) (Not for Publication
) Rule 111, Rules of the
TAURUS SNOW MCMILLAN,) Arizona Supreme Court)
)
Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. CR2011-115967-001 DT

The Honorable Steven P. Lynch, Commissioner

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals Section
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Cory Engle, Deputy Public Defender
Attorneys for Appellant

T H O M P S O N, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz.

297, 451 P.2d 878 (1969). Counsel for Taurus Snow McMillan (defendant), after searching the entire record, has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has done so.

¶2 In 2011, Child Protective Services (CPS) began an investigation of defendant and the safety of his four children. CPS took custody of three of the children and placed them with their maternal grandmother, but defendant refused to turn over custody of T.M. CPS gave defendant a temporary custody notice under which it would take custody of T.M. while filing for dependency. However, defendant continued to refuse access to T.M. and stated that “[T.M.] would be in Mexico . . . before [they would] be able to see him.” CPS obtained a court order and a judge verbally instructed defendant, who was present, to deliver T.M. to CPS. When defendant did not do so, CPS contacted police to locate T.M., who was found with defendant six days later.

¶3 The state charged defendant with one count of custodial interference, a class 6 felony and a domestic violence offense. At trial, the state presented evidence that CPS had a right to custody of T.M., that defendant was aware of CPS’s custodial right, and that defendant nevertheless denied CPS

access to T.M. The jury found defendant guilty as charged. The trial court heard evidence of three prior felonies, one of which it treated as a historical prior felony conviction. The court sentenced defendant to a slightly aggravated term of 1 year and 10 months in prison with credit for 64 days of presentence incarceration. Defendant timely appealed.

¶4 We have read and considered counsel's brief and defendant's supplemental brief and have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure. So far as the record reveals, defendant was adequately represented by counsel at all stages of the proceedings, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

¶5 We affirm the convictions and sentences.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

JOHN C. GEMMILL, Presiding Judge

/s/

DONN KESSLER, Judge