

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

STATE OF ARIZONA, *Appellee*,

v.

JENNIFER CORA BOS, *Appellant*.

No. 1 CA-CR 14-0396
FILED 8-4-2015

Appeal from the Superior Court in Maricopa County
No. CR2012-144759-001
The Honorable Jeffrey Rueter, Judge

AFFIRMED

COUNSEL

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

Maricopa County Office of the Legal Advocate, Phoenix
By Frances J. Gray
Counsel for Appellant

Jennifer Cora Bos, Chandler
Appellant

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MEMORANDUM DECISION

Judge Lawrence F. Winthrop delivered the decision of the Court, in which Presiding Judge Kent E. Cattani and Judge Peter B. Swann joined.

WINTHROP, Judge:

¶1 Jennifer Cora Bos (“Appellant”) appeals the trial court’s denial of her motion to vacate her conviction of resisting arrest.¹ Appellant’s counsel filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders v. California*, 386 U.S. 738 (1967); and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), indicating she searched the record on appeal and, finding no arguable question of law that was not frivolous, requested this court to review the entire record for fundamental error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999) (stating that this court reviews the entire record for reversible error). Appellant has filed a supplemental brief *in propria persona*, raising issues we also address.

¶2 We have appellate jurisdiction pursuant to the Arizona Constitution, Article 6, Section 9, and Arizona Revised Statutes sections 12-120.21(A)(1),² 13-4031, and 13-4033(A)(3). Finding no reversible error, we affirm.

FACTS³ AND PROCEDURAL HISTORY

¶3 On May 10, 2012, Appellant was pulled over after a Chandler police officer observed her driving erratically in the bicycle lane. When the officer approached her car and requested identification, Appellant became

¹ Appellant appealed her conviction for resisting arrest to this court under a different cause number. See *State v. Bos*, 1 CA-CR 13-0610, 2014 WL 4716452 (Ariz. App. Sept. 23, 2014) (mem. decision).

² We cite the current version of the applicable statutes unless revisions material to this decision have occurred since the date of the offense.

³ In our review, we view the facts in the light most favorable to upholding the jury’s verdict. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989); *State v. Mitchell*, 204 Ariz. 216, 217, ¶ 3, 62 P.3d 616, 617 (App. 2003).

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agitated and refused to provide the requested documentation. Despite multiple requests that Appellant provide identification, she did not do so. The officer advised Appellant that failure to provide identification would result in her arrest; however, she still did not comply. Appellant was informed that she was under arrest, and was ordered to exit her vehicle. Appellant did not get out of the vehicle voluntarily, resulting in a physical altercation when the officer sought to manually extract her. Appellant was handcuffed and transported to the police station. She was ultimately charged by information with resisting arrest, a class six felony.

¶4 At trial, a jury found Appellant guilty as charged. The trial court suspended imposition of sentence and ordered Appellant to serve a twelve-month term of supervised probation.⁴ Appellant filed a timely notice of appeal of her conviction.⁵ On December 12, 2013, Appellant filed a “Motion to Vacate Judgment with Prejudice.” The trial court denied the motion to vacate.

ANALYSIS

¶5 Many of the issues raised by Appellant on appeal relate to Appellant’s assertion that her various counsel have been ineffective. Claims of ineffective counsel are not properly raised here and must be brought through a Rule 32 proceeding.⁶ See *State v. Spreitz*, 202 Ariz. 1, 3, ¶ 9, 39 P.3d 525, 527 (2002).

⁴ Appellant began probation on August 19, 2013. She was approved for early termination of probation effective March 14, 2014, and the underlying offense was designated as a misdemeanor.

⁵ Appellant’s first appeal was decided without consideration of Appellant’s motion to vacate the judgment, and this court affirmed Appellant’s conviction. See *Bos*, 1 CA-CR 13-0610, at *1, ¶ 1. Our supreme court denied Appellant’s petition for review on April 21, 2015.

⁶ Appellant has been previously apprised in response to several motions filed with this court that Rule 32 proceedings are the proper venue for claims of ineffective assistance of counsel.

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¶6 Appellant also urges this court to consider evidence not reviewed by the trial court.⁷ This is an improper request on appeal. This court will not review anything not submitted to the trial court. *See State v. Caldwell*, 117 Ariz. 464, 470-71, 573 P.2d 864, 870-71 (1977).

¶7 Appellant's other arguments are addressed and resolved by our complete review of the entire record for reversible error. After conducting such a review, we conclude the trial court did not err, much less commit fundamental, reversible error in denying Appellant's motion to vacate.

¶8 After the filing of this decision and notification to Appellant of the status of the appeal and of her future options, defense counsel's obligations pertaining to representation of Appellant have ended. *See Clark*, 196 Ariz. at 536, ¶ 30, 2 P.3d at 95; *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984) (holding that, absent some identification of an issue appropriate for review by the supreme court, a defense counsel's obligation to a defendant terminates following the filing of an adequate *Anders* brief). Appellant has thirty days from the date of this decision to proceed, if she desires, with a *pro per* motion for reconsideration or petition for review.

CONCLUSION

¶9 We affirm the trial court's order denying Appellant's motion to vacate the judgment.



Ruth A. Willingham · Clerk of the Court
FILED : RT

⁷ Appellant filed several motions requesting that this court consider evidence not considered by the trial court. Consistent with this decision, those requests were denied.