

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

RYLYNNE JO WILSON, *Appellant*.

No. 1 CA-CR 18-0910

FILED 10-31-2019

Appeal from the Superior Court in Maricopa County

No. CR 2017-118269-001

The Honorable Dean M. Fink, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix

By Joseph T. Maziarz

Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix

By Jesse Finn Turner

Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Michael J. Brown delivered the decision of the Court, in which Judge Kenton D. Jones and Judge Diane M. Johnsen joined.

B R O W N, Judge:

¶1 This appeal is presented to us pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969). Defense counsel has searched the record on appeal and advised us there are no meritorious grounds for reversal. Rylynne Jo Wilson was given the opportunity to file a supplemental brief but did not do so. Our obligation is to review the entire record for reversible error, *State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999), viewing the evidence in the light most favorable to sustaining the conviction and resolving all reasonable inferences against Wilson, *State v. Guerra*, 161 Ariz. 289, 293 (1989).

¶2 Two police officers conducted a traffic stop after noticing a car make a wide left turn as it turned northbound on Price Road from eastbound Apache in Tempe. The driver of the car, Wilson, was accompanied by her three children, and her boyfriend ("D.I."). Officer Manchak asked Wilson for her driver's license and then asked to speak with her away from the car. Wilson explained that in exchange for dropping off a friend, he put a clear plastic baggie in her pocket, which she later moved into her purse. She told the officer she thought the item was "not legal." When asked whether there were additional drugs in the car, Wilson said there would be, in the form of pills. She then consented to a search of her car.

¶3 Officer Manchak found a plastic bag containing a substance that was later identified as methamphetamine in Wilson's purse. He also found two prescription bottles containing three different types of pills, which were later identified as amphetamine, hydrocodone, and carisoprodol. The label on one of the bottles was illegible, but the other label indicated it was a prescription for hydrocodone. The pills in that bottle, however, did not match the prescription. Wilson told the officer that she had prescriptions for the pills, but she did not provide documentation.

¶4 The State then charged Wilson with three counts of possession or use of dangerous drugs and one count of possession or use of

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narcotic drugs. At trial, Wilson provided inconsistent explanations when testifying about the pills found in her car. She stated that all the pills were prescribed to her by a medical provider, but she produced no evidence of the prescriptions. She then testified that her attorney had proof of her medications but did not know if the attorney had brought them to court. She also claimed the pharmacy where she obtained the prescriptions did not keep records beyond two years, her doctor's file with proof of the prescriptions had been taken as part of an FBI investigation, and the doctor who prescribed her the medications had died. Wilson said she had proof of each of these claims, but she provided no such evidence.

¶5 The jury found Wilson guilty on each of the four counts. After suspending the imposition of sentence, the superior court placed Wilson on concurrent terms of supervised probation for 30 months on each count. Wilson timely appealed.

¶6 After a thorough review of the record, we find no reversible error. The record reflects Wilson was present and represented by counsel at all critical stages of the proceedings against her. The evidence presented supports the convictions, and the sentences imposed fall within the range permitted by law. As far as the record reveals, these proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure and Wilson's constitutional and statutory rights.¹ Therefore, we affirm Wilson's convictions and sentences.

¶7 Unless defense counsel finds an issue that may be appropriately submitted to the Arizona Supreme Court, his obligations are fulfilled once he informs Wilson of the outcome of this appeal and her future options. *State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Wilson has

¹ At the sentencing hearing, the State noted several times that Wilson had failed to accept responsibility for her actions and urged the judge to impose 30 days in jail as a condition of probation. The State's repeated references to Wilson's failure to admit guilt were improper because, as a general rule, a sentencing judge should not consider a defendant's failure to accept responsibility or show remorse. *See State v. Trujillo*, 227 Ariz. 314, 318, 319, ¶¶ 15, 21 (App. 2011) (concluding a court's consideration of the defendant's "lack of remorse and his failure to admit guilt" at sentencing was reversible error). However, we are confident that no error occurred. The judge did not impose jail time, and he made it clear to Wilson that it would not be "appropriate to punish you more harshly because you haven't accepted responsibility. You can maintain your innocence. You have a right to do that."

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30 days from the date of this decision to proceed, if she wishes, with a proper motion for reconsideration or petition for review.



AMY M. WOOD • Clerk of the Court
FILED: AA