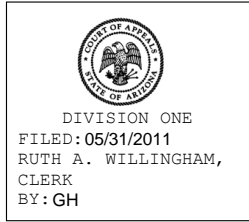


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 10-0508  
)  
Appellee, ) DEPARTMENT C  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
LAURA ANN SHELTON, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)  
)

Appeal from the Superior Court in Mohave County

Cause No. CR2008-1426

The Honorable Rick A. Williams, Judge

**AFFIRMED**

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

Jill L. Evans, Mohave County Appellate Defender Kingman  
By Jill L. Evans  
Attorney for Appellant

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**B R O W N**, Judge

¶1 Laura Ann Shelton appeals her conviction and sentence for one count of attempted leaving the scene of an injury accident. Counsel for Shelton filed a brief in accordance with

*Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising that after searching the record on appeal, she was unable to find any arguable grounds for reversal. Shelton was granted the opportunity to file a supplemental brief *in propria persona*, but has not done so.

¶12 Our obligation is to review the entire record for reversible error. *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We view the facts in the light most favorable to sustaining the conviction and resolve all reasonable inferences against Shelton. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). Finding no reversible error, we affirm.

¶13 Shelton was charged by indictment with leaving the scene of an accident involving serious physical injury, a class 3 felony, in violation of Arizona Revised Statutes sections 28-661(B) (2004) and 13-105(38) (2010).<sup>1</sup> Prior to trial, the parties stipulated to amend the charge to attempted leaving the scene of an injury accident, a class 6 felony with the possibility of no more than six months' incarceration, and further agreed to a bench trial. The following evidence was presented to the court.

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<sup>1</sup> Absent material revision after the date of the alleged offense, we cite the statute's current version.

¶14 In September 2008, D.P. was traveling on Highway 68 in Mohave County. As he was cresting a hill, he saw a dark pickup truck in front of him driving "violently" from side to side. All of a sudden he saw the victim "cartwheel[] twice" right in front of him and land in the middle of the highway. It appeared to him that the victim flew out of the window of the truck. He had to brake hard to avoid hitting the victim. The truck did not stop, continuing to drive approximately 55 miles per hour. While D.P. stopped to render aid to the victim, another vehicle pursued the truck and called 9-1-1. The victim later died from these injuries.

¶15 Officer Upton stopped Shelton approximately ten miles from the scene of the accident. Shelton denied having been involved in an accident, explaining that her husband had been on the hood of her vehicle and had "slid off." He testified that Shelton was shaking, appeared excited and upset, and it looked as though "she had . . . recently been crying." She did not appear to be impaired. Upton noticed scratch marks on the hood of her truck.

¶16 Detective Kenyon testified that when he arrived at the scene where the incident occurred, the victim's body had been removed and there were several bloodstains on the roadway. At the Sheriff's station, Kenyon photographed handprints and fingerprints on the underside of the hood at the base of the

windshield, one of which matched the victim's. He also testified that the scratch marks on the hood could have been caused by a belt buckle.

¶17 A law enforcement officer from Missouri testified that in February 2010, he received a phone call that Shelton was in a Missouri hospital and was talking about an incident that had happened in Arizona. When the officer arrived at the hospital, Shelton told him about the 2008 truck incident. He testified that "she said [the victim] fell from [her] vehicle and she ran him over."

¶18 Shelton testified that she and the victim were in the process of divorcing. When she saw the victim driving his truck on the road, she motioned for him to pull over to talk. She testified that there had been significant domestic violence in their marriage and that she felt safe talking with him in a "public place." They talked for approximately twenty minutes in his truck, but when she got back into her truck to leave, the victim grabbed the side of her truck and crawled up on the hood. She started driving forward and backward, applying the gas and then the brakes in an attempt to get him off the hood. She denied driving side to side or at a high rate of speed, or running over the victim.

¶19 The court found Shelton guilty of attempted leaving the scene of an injury accident. Shelton was placed on

probation for three years including sixty days' jail time, with credit for two days served. This timely appeal followed.

¶10 We have searched the entire record for fundamental error and find none. All of the proceedings were conducted in accordance with the Arizona Rules of Criminal Procedure. The record shows that Shelton was present and represented by counsel at all pertinent stages of the proceedings, was afforded the opportunity to speak before sentencing, and the sentence imposed was within statutory limits. Accordingly, we affirm Shelton's conviction and sentence.

¶11 Upon the filing of this decision, counsel shall inform Shelton of the status of the appeal and her options. Defense counsel has no further obligations unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz.

582, 584-85, 684 P.2d 154, 156-57 (1984). Shelton shall have thirty days from the date of this decision to proceed, if she so desires, with an *in propria persona* motion for reconsideration or petition for review.

/s/

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MICHAEL J. BROWN, Judge

CONCURRING:

/s/

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DANIEL A. BARKER, Presiding Judge

/s/

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MARGARET H. DOWNIE, Judge