

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CRYSTAL MILLER NUTTLE,
Appellant.

No. 2 CA-CR 2017-0298
Filed June 26, 2018

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Pima County
No. CR20133427001
The Honorable Janet C. Bostwick, Judge

AFFIRMED

COUNSEL

Cirillo Law Firm P.C., Tucson
By Elizabeth Cirillo
Counsel for Appellant

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MEMORANDUM DECISION

Judge Brearcliffe authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Eppich concurred.

BREARCLIFFE, Judge:

¶1 Following a jury trial, appellant Crystal Nuttle was convicted of custodial interference. The trial court suspended the imposition of sentence and placed her on probation for a thirty-six month period. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating she has reviewed the record and has found “no grounds for appeal in this matter.” Counsel has asked us to search the record for reversible error.

¶2 In a pro se supplemental brief Nuttle argues that she “could not face her accusers” at trial because “Child Protective Services” had been abolished and “a new Department of Child Safety” (DCS) was created and that the court and DCS committed various acts of misconduct or trial error. Nuttle also raises claims of ineffective assistance of trial counsel.

¶3 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013). The evidence presented at trial showed that Nuttle’s vehicle was seen taking a mother and a child, who was then in the custody of DCS, from a visitation without permission. The child and Nuttle were seen on YouTube videos viewed by investigators after the child was taken and evidence established he was in Nuttle’s home. We further conclude the probationary term ordered is within the statutory limit. *See* A.R.S. §§ 13-902(A)(4), 13-1302(A)(1), (E)(3).

¶4 We have considered the arguments raised in Nuttle’s supplemental brief and, pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Nuttle’s claims of misconduct by the trial court and DCS are not sufficiently developed or are irrelevant to her convictions. *State v. Bolton*, 182 Ariz. 290, 298 (1995) (claims waived for insufficient argument on appeal). Furthermore, the legislature specifically provided for DCS to succeed to the Department of Economic Security Child Protective Services. *See* 2014 Ariz.

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Sess. Laws 2d Spec. Sess., ch. 1, § 157. And, claims of ineffective assistance of counsel may not be raised on appeal, and must be raised in a proceeding pursuant to Rule 32, Ariz. R. Crim. P. *State v. Spreitz*, 202 Ariz. 1, ¶ 9 (2002).

¶5 Therefore, Nuttle's convictions and sentences are affirmed.