IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

VANESSA VAN DALSEM,
Appellant.

No. 2 CA-CR 2019-0036
Filed August 16, 2019

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NOT FOR PUBLICATION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. CR20163552001
The Honorable Gus Aragon, Judge

AFFIRMED

COUNSEL

Law Offices of Thomas Jacobs, Tucson
By Thomas Jacobs
Counsel for Appellant

MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Chief Judge Vásquez and Judge Espinosa concurred.

S T A R I N G, Presiding Judge:

¶1 Following a jury trial, appellant Vanessa Van Dalsem was convicted of one count of custodial interference, a class four felony. The trial court sentenced her to thirty-five days in custody, with that time considered served through presentence incarceration. *See* A.R.S. § 13-712(B).

¶2 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 he has found no non-frivolous claim to raise on appeal. Consistent with *Clark*, he has provided "a detailed factual and procedural history of the case with citations to the record," 196 Ariz. 530, ¶ 32, and he asks this court to search the record for fundamental error. Van Dalsem has not filed a supplemental brief.

¶3 The evidence, viewed in the light most favorable to sustaining Van Dalsem's conviction, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), was sufficient to support the jury's verdict, *see* A.R.S. §§ 13-1302(A)(1), (4), 13-3601(A)(2). Van Dalsem, who lives in California, intentionally failed to comply with a court order requiring her to return her son to his father, with whom she shares parenting time, because she believed living in Pima County was harmful to their son's health.

¶4 We note that the sentence imposed by the trial court may have been impermissibly lenient. *See* A.R.S. §§ 13-702(A), (D), 13-901(A), (B). But because the state has not filed a cross-appeal, we are without jurisdiction to consider any such error, as its correction would result in a "detriment to [Van Dalsem] as a result of [her] own appeal." *State v. Dawson*, 164 Ariz. 278, 280, 286 (1990).

¶5 In our examination of the record, we have found no reversible error and no arguable issue subject to our jurisdiction that warrants further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Van Dalsem's conviction and sentence.