

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



DIVISION ONE  
FILED: 10/29/2013  
RUTH A. WILLINGHAM,  
CLERK  
BY: mjt

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) 1 CA-CR 11-0863  
)  
Appellee, ) DEPARTMENT A  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
BRIAN NATHANIEL BLACK, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)  
\_\_\_\_\_ )

Appeal from the Superior Court in Maricopa County

Cause No. CR2009-007744-001

The Honorable Janet E. Barton, Judge

**AFFIRMED**

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Thomas C. Horne, Arizona Attorney General Phoenix  
By Joseph T. Maziarz, Chief Counsel  
Criminal Appeals and Capital Litigation Section  
Attorneys for Appellee

Michael J. Dew Attorney at Law Phoenix  
By Michael J. Dew  
Attorney for Appellant

Brian Nathaniel Black  
Appellant

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**T H O M P S O N**, Judge

¶1 This case comes to us as an appeal under *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Brian Nathaniel Black (defendant) has advised us that, after searching the entire record, he has been unable to discover any arguable questions of law and has filed a brief requesting this court conduct an *Anders* review of the record. Defendant has been afforded an opportunity to file a supplemental brief *in propria persona*, and he has done so.

¶2 Defendant and Lorraine H. started dating off and on in 2008. In 2009, Lorraine decided to become a prostitute and met victim on the streets in California. Victim introduced Lorraine to her pimp, George W., and he persuaded them to come and work in Arizona. On the evening of July 28, 2009, victim and Lorraine were conducting a photo shoot with George when he received a phone call and told the girls “[t]hey have got a client with a lot of money that wants two girls.” George dropped the girls off, and they went to the hotel room indicated by the caller. When victim and Lorraine knocked on the hotel room door, defendant and another person grabbed them and “forced [them] into another room.”

¶3 Initially, victim was placed in the family room and Lorraine was dragged into the bedroom. When victim was later brought into the bedroom, Lorraine noticed that victim’s hands

were constrained with zip ties. Defendant questioned victim and Lorraine and said, "someone is going to die tonight."

¶14 Soon thereafter, everyone left the hotel room and entered a vehicle. Victim was placed in the trunk by defendant. Defendant stopped at a convenience store to buy lighter fluid because "he was going to burn" victim. After resuming driving, the vehicle stopped at a traffic signal. The trunk popped open and victim jumped out. With her hands still zip tied, victim jumped over the street divider and began "running for her life" with defendant chasing close behind. Lorraine heard multiple gunshots a few moments later. Defendant called the other occupants of the vehicle from the lobby of a different hotel. When they picked him up, defendant said to Lorraine, "see what you made me do . . . somebody had to die tonight because of you." The group then drove to California.

¶15 The next day, officers responded to a call of a dead woman, later identified as victim. There were numerous shell casings around her body. The medical examiner determined that victim died of multiple gunshot injuries. Blood matching victim's DNA was later identified on defendant's shoe.

¶16 Defendant was charged with one count of first-degree murder, a class 1 felony, and one count of kidnapping, a class 2 felony. Defendant was convicted of both counts after a jury trial. Defendant stipulated to a natural life sentence for

first-degree murder and the trial court sentenced him to a concurrent sentence of 10.5 years for the kidnapping charge. Defendant received 859 days presentence incarceration credit on the kidnapping charge. Defendant timely appealed.

¶7 We have read and considered defendant's *in propria persona* supplemental brief, and we have searched the entire record for reversible error. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. We find none. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and the sentence imposed was within the statutory limits. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), defendant's counsel's obligations in this appeal are at an end. Defendant has thirty days from the date of this decision in which to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.

/s/  
JON W. THOMPSON, Presiding Judge

CONCURRING:

/s/  
SAMUEL A. THUMMA, Judge

/s/  
DIANE M. JOHNSEN, Judge