

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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STATE OF ARIZONA, *Plaintiff/Appellee*,

*v.*

ANDRE ANTONIO ADAMS, *Defendant/Appellant*.

No. 1 CA-CR 16-0333  
FILED 2-21-2017

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Appeal from the Superior Court in Maricopa County  
No. CR2015-103936-001  
The Honorable Pamela S. Gates, Judge

**AFFIRMED**

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COUNSEL

Arizona Attorney General's Office, Phoenix  
By Joseph T. Maziarz  
*Counsel for Plaintiff/Appellee*

Maricopa County Public Defender's Office, Phoenix  
By Joel M. Glynn  
*Counsel for Defendant/Appellant*

STATE v. ADAMS  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Diane M. Johnsen and Judge Paul J. McMurdie joined.

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

¶1 This appeal was timely filed in accordance with *Anders v. California*, 368 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), following Andre Antonio Adams's (Adams) convictions of ten counts of child prostitution and two counts of involving or using minors in drug offenses, all Class 2 felonies. Adams's counsel searched the entire record on appeal and did not find any non-frivolous questions of law. He subsequently filed a brief requesting this court conduct an *Anders* review of the record for fundamental error. Additionally, Adams, through his counsel, raised various issues and filed a supplemental brief.<sup>1</sup>

¶2 After reviewing the entire record, we find no basis for Adams's claims. We conclude the evidence is sufficient to support the verdicts and there is no fundamental error. Therefore, we affirm Adams's convictions and sentences.

¶3 Adams met R.H. as a "john" shortly before the events leading up to these convictions. R.H. first told Adams she was eighteen, but later told him she was sixteen. In reality, R.H. was only fifteen. R.H. began engaging in prostitution under Adams's watch after he promised her better conditions and nicer things.

¶4 Eventually, R.H. asked Adams if they could help D.H., her younger half-sister, run away. Adams knew D.H. was at least one month younger than R.H. and he agreed to pick her up once he saw her picture.

¶5 After picking up D.H., Adams drove both girls to a hotel. Adams bought a room, gave the key to the girls, and left. R.H. took pictures

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<sup>1</sup> Broadly stated, Adams is concerned that: 1) multiple pieces of evidence were improperly admitted, 2) the trial court improperly granted numerous continuances, 3) the trial court did not rule on various motions, and 4) his counsel was ineffective.

STATE v. ADAMS  
Decision of the Court

of D.H. and explained Adams's "rules," including no African-American men, no texting, and use condoms. Next, R.H. posted an ad to Backpage.com, the platform Adams and R.H. used to meet clients.

¶6 A couple hours later a john contacted R.H. and booked a meeting. R.H. called Adams and told him a john was on the way and how much money she anticipated making. R.H. and D.H. both engaged in vaginal sex with the john. After he left, R.H. texted Adams and told him the final price the john paid. When Adams came back to the hotel, R.H. gave him the money and asked if he had any marijuana. He did not, so he left the hotel to buy some, which both girls smoked when he returned.

¶7 Adams procured a room at a different hotel the next day. After the room was purchased, Adams dropped the girls off at the new room. Later in the day, R.H. received a text message from undercover officer, Detective Travis Kenney, inquiring about a meeting. R.H. informed Adams about the arranged meeting including when Kenney would be there and how much money she anticipated making. Adams instructed R.H. on how to get Kenney into the room and told her make him bring condoms. R.H. followed Adams's instructions.

¶8 When Kenney arrived R.H. began to prep him for a "massage," her code word for sex. After she told him to take off his clothes, FBI swarmed the room and Kenney informed R.H. of his real identity.

¶9 The state subsequently charged Adams with ten counts of child prostitution and two counts of involving or using minors in drug offenses, all Class 2 felonies. After hearing testimony, including a recounting of the events from R.H., D.H., and the officer, a jury found Adams guilty on all twelve counts. The trial court sentenced Adams to a presumptive term of 325.75<sup>2</sup> years imprisonment with zero days of presentence incarceration credit.<sup>3</sup>

¶10 We have read the briefs and searched the entire record for fundamental error. *See Leon*, 104 Ariz. at 300, 451 P.2d at 881. We conclude the record does not reflect any such errors. As to Adams's claim of ineffective counsel, we will not consider claims of ineffective counsel on

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<sup>2</sup> Adams was sentenced to ten consecutive 31 year terms for the child prostitution charges and two 15.75 year terms for the drug offenses, which run concurrently with each other but consecutively to the other counts.

<sup>3</sup> All presentence incarceration credit went towards the sentences of charges unrelated to this appeal.

STATE v. ADAMS  
Decision of the Court

direct appeal. *State v. Spreitz*, 202 Ariz. 1, 3, ¶ 9, 39 P.3d 525, 527 (2002) (holding ineffective assistance of counsel claims will not be addressed by appellate courts on direct appeal regardless of their merit). All other proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure and the sentences imposed were within the statutory limits. After informing Adams about this appeal's outcome and his future options, Adams's counsel is released from his obligations under this appeal. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Adams has thirty days from the date of this decision to proceed, if he wishes, with a *pro per* petition for review.



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