

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

STATE OF ARIZONA, *Appellee*,

v.

MIGUEL ANGEL CAMACHO, *Appellant*.

No. 1 CA-CR 15-0331
FILED 4-28-2016

Appeal from the Superior Court in Maricopa County
No. CR2012-007354-002
The Honorable Roland J. Steinle, Judge

AFFIRMED

COUNSEL

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

Janelle A. McEachern, Attorney at Law, Chandler
By Janelle A. McEachern
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Andrew W. Gould delivered the decision of the Court, in which Judge John C. Gemmill and Judge Margaret H. Downie joined.

G O U L D, Judge:

¶1 Miguel Angel Camacho (“Defendant”) appeals from his convictions and sentences for one count of attempted second degree murder, one count of aggravated assault, two counts of kidnapping, one count of armed robbery, and one count of possession of marijuana. Defendant’s counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), advising this Court that after a search of the entire appellate record, no arguable ground exists for reversal. Defendant was granted leave to file a supplemental brief *in propria persona*, and did not do so.

¶2 Our obligation in this appeal is to review “the entire record for reversible error.” *State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999). We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes (“A.R.S.”) sections 12-120.21(A)(1), 13-4031 and 13-4033(A)(1) (West 2016).¹ Finding no reversible error, we affirm.

Facts and Procedural History²

¶3 J.L. was part of a drug operation that transported marijuana from Nogales across the border into Arizona. J.L. employed Jason Howe to drive the vehicle carrying the marijuana. J.L. and Jason transported the drugs for a man known as Gordo. However, J.L.’s relationship with Gordo

¹ Unless otherwise specified, we cite to the current version of the applicable statutes because no revisions material to this decision have occurred.

² We view the evidence in the light most favorable to sustaining the convictions and resulting sentences. *See State v. Guerra*, 161 Ariz. 289, 293 (1989).

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turned sour when J.L. developed a plan to take a portion of the marijuana he was transporting for Gordo to Pennsylvania to sell for a greater profit.

¶4 Jason went on a marijuana run on May 15, 2012, but he did not meet back with J.L. as planned. While he had been repackaging the drugs at a location in Whetstone, Jason was approached by Gordo. Gordo told Jason that J.L. was stealing from him. Jason was able to placate Gordo; as a result, Gordo allowed Jason to complete his marijuana run with J.L., but he told Jason to stay in touch.

¶5 The next day, Gordo called Jason and directed him to meet up with Defendant before going to meet J.L. The plan was to have Defendant “handle” J.L.

¶6 Later that day, Jason and his friend “Blue” met J.L. and J.L.’s girlfriend J.Z. at a hotel. J.L. and his girlfriend lived from hotel to hotel due to the fact J.L. had outstanding warrants out for his arrest, and also because J.L. transported marijuana for a living. Jason, Blue, and Jason’s girlfriend helped J.L. and J.Z. move their belongings to a Quality Inn hotel in Mesa. Then Jason left to take Blue and his girlfriend home. While he did so, Jason texted Defendant the address of the new hotel where J.L. and J.Z. were located.

¶7 Not too long after J.L. and J.Z. arrived at the new hotel, they heard a knock at the door. It was Defendant. Defendant told J.L. that he was a friend of Gordo’s and J.L. assumed Defendant was there to help him sort out Jason’s unexplained tardiness during the marijuana run the prior day. J.L. invited Defendant in, and J.L., J.Z. and Defendant all smoked some methamphetamine together. At some point, J.Z. left to get some food from a nearby Burger King.

¶8 Once J.Z. left the hotel room, Defendant began physically assaulting J.L. He struck J.L. with his fists and hit J.L. on the head with the butt of J.L.’s gun that had been lying on the bed. By the time J.Z. returned with the food, Defendant had J.L. tied up on the floor.

¶9 When J.Z. knocked on the hotel-room door, Defendant opened it, struck J.Z. in the face, and pulled her inside the room. J.Z. could see that J.L. had been tied up. Defendant told her to sit on the bed. Defendant put J.L. in the bathroom and, with a gun in his hand, Defendant told J.Z. to load up any of her things that were worth money into J.L.’s vehicle. One of the things Defendant took was a lockbox that J.L. used to hold his guns. Once J.Z. was finished loading the car, Defendant brought

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her back into the hotel room and told her to stare at the wall while he went into the bathroom with J.L.

¶10 While he was in the bathroom with J.L., Defendant was on the phone with Gordo. J.L. heard Gordo tell Defendant to kill him. Then, Defendant used a knife to cut J.L. across the throat twice. J.L. fell to the ground as if he was dead, and Defendant left him in the bathroom. From there, J.L. could hear Defendant leave the hotel room with J.Z.

¶11 J.Z. was not sure what happened in the bathroom, but she saw Defendant wiping off a knife as he walked out of the bathroom. Defendant still had a gun in his hand and he threatened to shoot J.Z. if she ran. He had her wipe down the surfaces in the hotel room; then he took J.Z. in J.L.'s car and left the hotel.

¶12 After J.L. heard Defendant leave the hotel room, he dragged himself out of the bathroom and got to the phone. J.L. was able to call the front desk and get help. When the front desk clerk arrived at the room, he found J.L. covered in blood and leaning against the wall. J.L. was still tied up so he untied him, got some towels to put on J.L.'s wounds, and called the police.

¶13 The police immediately began investigating the incident and searching for Defendant and J.Z. Defendant had taken J.Z. to a house in Tucson, held her there for a day or two, and then taken her to a hotel. Through cellphone records police were able to locate Defendant at the hotel in Tucson. When the police arrived at the hotel, immigration was conducting an unrelated raid on another portion of the hotel. As a result, Defendant was outside of his room. Police were able to detain him.

¶14 A search of Defendant's hotel room in Tucson revealed the black lockbox he had taken from J.L. Defendant had the key to the lockbox in his pants' pocket. When police opened the lockbox, they found J.L.'s three guns. The lockbox also contained a folding knife with J.L.'s blood and Defendant's fingerprint on the blade, and some marijuana.

¶15 Defendant was charged with one count of attempted second degree murder, two counts of kidnapping, one count of aggravated assault, one count of armed robbery, and one count of possession of marijuana. The State also charged Defendant with three counts of misconduct involving weapons; however, these charges were severed before Defendant went to trial. The jury convicted Defendant on all of the remaining charges.

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¶16 After return of the verdicts, the State alleged, and the jury found, dangerousness as to all counts except the marijuana possession charge. The state also alleged a number of aggravating circumstances for all counts except the marijuana charge. The jury deliberated and found at least three of the alleged aggravators were proven for each count.

¶17 At sentencing, Defendant stipulated to having a prior conviction for a dangerous offense. The court weighed the aggravating and mitigating factors and found the aggravators outweighed the mitigators. Accordingly, the court sentenced Defendant to aggravated terms as a dangerous repetitive offender on all the dangerous felony convictions. On the marijuana possession conviction, Defendant was sentenced to 1.75 years' imprisonment. Because the State requested the sentences run concurrently, the court ordered the sentences to be served concurrently.

Discussion

¶18 We have read and considered counsel's brief, carefully searched the entire record for reversible error and found none. *Clark*, 196 Ariz. at 541, ¶ 49. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure and substantial evidence supported the finding of guilt. Defendant was present and represented by counsel at all critical stages of the proceedings. At sentencing, Defendant and his counsel were given an opportunity to speak and the court imposed a legal sentence.

¶19 Counsel's obligations pertaining to Defendant's representation in this appeal have ended. Counsel need do nothing more than inform Defendant of the status of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Defendant shall have thirty days from the date of this decision to proceed, if he so desires, with an *in propria persona* motion for reconsideration or petition for review.



Ruth A. Willingham · Clerk of the Court
FILED : ama