

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

CHAD JUSTIN NORRIS, *Appellant*.

No. 1 CA-CR 16-0819
FILED 3-13-2018

Appeal from the Superior Court in Maricopa County
No. CR2012-149725-001
The Honorable Joseph C. Kreamer, Judge

AFFIRMED

COUNSEL

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

Michael J. Dew, Phoenix
Counsel for Appellant

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MEMORANDUM DECISION

Judge Jon W. Thompson delivered the decision of the Court, in which Presiding Judge Kenton D. Jones and Judge Jennifer M. Perkins joined.

THOMPSON, 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 (1969). Counsel for Chad Justin Norris (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 filed a supplemental brief *in propria persona*.

¶2 On, Monday, September 17, 2012, Tempe Police Department received a report of a missing person. Both Jason Johnson's (victim) ex-girlfriend and another woman, the mother of his minor child, realized that he had been unreachable and had missed several appointments over the weekend, so they contacted Tempe police. There had been no recent activity on the victim's bank accounts. Police conducted a welfare check at the victim's residence and searched intake at the local jails and hospitals, but their efforts returned no leads. Defendant, the victim's business partner at an automotive collision repair facility, was reportedly the last person to see him on the previous Friday night. Officers went to defendant's Tempe residence on Monday evening, but defendant ended the discussion quickly.

¶3 Officers began surveillance on the defendant and his wife early the next morning. Defendant left his residence at 6:20 a.m. in a black truck and drove to the Tempe business location. At 9:15 a.m., defendant's wife arrived driving a gray SUV, and backed into a parking space by the business's front door. Moments later, defendant was observed carrying nine trash bags out of the business and placing them into the SUV. Defendant and his wife then drove back to their Tempe residence, where defendant hooked a silver trailer to the SUV and drove away. The couple drove around Phoenix, stopping at various businesses. Mesa Air Surveillance tracked defendant "traveling through many streets," "making many turns," and breaking for long periods of time at each location. At 3:50 p.m., defendant arrived at an Avis Lube, where an individual came out of

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the building, spoke with defendant, and then the two men pushed the trailer up against the wall. Defendant and his wife left the business at 4:30 p.m. without the trailer attached.

¶4 Two Border Patrol Agents and their “Human Remains Detection” canines were called to the Avis Lube, where the dogs alerted to the side of the closed trailer. A search warrant was issued and the trailer’s side door opened. Inside, officers discovered a wallet containing the victim’s driver’s license, three spent bullets, an empty plastic water bottle containing fourteen spent nine-millimeter brass shell casings, keys to the victim’s vehicles, a T-Mobile cellphone with its battery and SIM card detached, and what appeared to be blood at various locations.

¶5 A search warrant was then executed upon the Tempe business location. There were drag marks on the break room floor, leading towards the southeast door, and a fresh bullet strike in the concrete. Other bullet holes were found in the walls, which had been filled in with putty or Bondo, plastered over, textured, and then painted. One of the baseboards also looked as if it had been repaired. Three cans of recently purchased paint, the same color as an interior wall of the break room, were located in the dumpster near the business. In addition, drywall that was removed from the break room tested positive for blood. DNA analysis reflected that the blood from the drywall, as well as from six locations within the trailer, was the victim’s. Canines did not alert to human remains; however, the handlers testified that cleaning detergent, epoxy and fresh paint would obscure the smell.

¶6 Defendant was arrested the next day. While undergoing a buccal swab at the jail, defendant made a spontaneous statement to detectives, asking “what would you do if someone had threatened your wife, your kids and your family?” Defendant was indicted on September 28, 2012. The state charged defendant with second degree murder, a class 1 dangerous felony.

¶7 At trial, the state presented various evidence, including employee testimony that the victim and defendant were the last people to leave the shop on Friday night, that no employee had been in the Tempe shop over the weekend, that the break room had been emptied out over the weekend, that defendant told the employees not to come to the business until Monday at 8:00 a.m., evidence that the break room had been cleaned up and renovated over the weekend, evidence of a gun being discharged in the break room, drag marks across the break room floor, and evidence of the victim’s blood and wallet in the trailer. An employee testified that the

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victim had come to the Tempe location that Friday and “appeared to be pretty upset.” The employee further stated that the victim was yelling at him and threatened to fire him.

¶8 The defendant testified in his own defense, stating that on Friday, he and the victim spoke inside the office about the victim’s personal issues and some “potential new job opportunities.” Defendant further testified that both he and the victim cleaned out the break room before the victim departed at 8:00 p.m. and left his black Camry at the Tempe shop to be detailed in anticipation of a sale. Defendant stated he remained an additional two hours after the victim left. Defendant stated that he spent the next two days alone with his wife, running errands to places like Lowes, Sherwin Williams, and Guitar Center. Defendant denied killing the victim, having any part in his disappearance, or spending the weekend repairing the break room. Defendant admitted directing his employees to renovate the break room on Monday morning. Over defendant’s objection, the trial court admitted a videotaped interview of defendant's mother-in-law, in which she related to the police numerous incriminating statements made to her by defendant.

¶9 Defendant was convicted after a bench trial. The trial court found several aggravating circumstances, specifically the use of a deadly weapon, emotional and financial harm to the next of kin, and the presence of an accomplice. It also found several mitigating circumstances, including the fact that defendant had no prior felonies, and that defendant has support from his family and community. The trial court sentenced defendant to a flat sentence of 18 years and gave him 1,023 days of presentence incarceration credit.

¶10 We have read and considered the *Anders* brief. In his supplemental brief, defendant raises at least eleven arguments. He asserts three arguments concerning the admission of his mother-in-law’s tape. He makes three arguments over what he deems prosecutorial misconduct. He argues the trial court erroneously denied his motion for acquittal, improperly secured his waiver of a jury trial, failed to sua sponte give a manslaughter instruction, and erred in sentencing him.

¶11 We have considered the issues raised by defendant and have searched the entire record for reversible error. *See Leon*, 104 Ariz. at 300. 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 (1984), defendant’s counsel’s obligations in this appeal are at an end.

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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.

¶12 We affirm the conviction and sentence.



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