

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

JESSE TAYLOR VAVAGES, *Appellant*.

No. 1 CA-CR 22-0438
FILED 9-26-2023

Appeal from the Superior Court in Maricopa County
No. CR2020-105699-001
The Honorable Michael C. Blair, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Alice Jones
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Dawnese Hustad
Counsel for Appellant

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MEMORANDUM DECISION

Judge Cynthia J. Bailey delivered the decision of the Court, in which Acting Presiding Judge Kent E. Cattani and Judge Anni Hill Foster joined.

B A I L E Y, Judge:

¶1 Jesse Taylor Vavages appeals his convictions and sentences for theft of means of transportation and unlawful flight from a law enforcement vehicle. Vavages' counsel has 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 reviewing the record, she was unable to discover any arguable question of law to raise on appeal. Counsel requests that this court independently review the record for fundamental error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30 (App. 1999) (stating that this court reviews the entire record for reversible error). Vavages was given the opportunity to file a supplemental brief *in propria persona* but did not do so. Finding no reversible error, we affirm Vavages' convictions and sentences.

FACTS AND PROCEDURAL HISTORY

¶2 On October 23, 2019, the victim discovered his 2005 Dodge Ram pick-up truck had been stolen from his driveway sometime during the night. The victim contacted the Chandler Police Department to report the theft. The stolen truck was equipped with an inactive Lo-Jack system, which the victim activated to assist the police in their investigation.

¶3 The next day, Chandler police officers responded to a Lo-Jack "hit" on the stolen truck at a convenience store near Arizona Avenue and Riggs Road. Officers pulled directly behind the stolen vehicle and observed a Native American male, later identified as Vavages' cousin Travis James, putting air in the front, driver's-side tire. An officer from the Chandler police department got out of his patrol car with his gun drawn and told James, "[S]top, police, don't move." The pick-up truck began pulling away from the parking lot, however, and James ran after it, jumping in the back as it moved.

¶4 Officers, while assisted by helicopter back-up, followed the truck onto the Gila River Indian Reservation until it came to a stop outside a residence on the reservation.

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¶5 Police officers from Chandler and the Gila River Police Department set up a perimeter around the residence, and James¹ and his brother, Emmett James, exited the house voluntarily.² With the homeowner's permission, police searched the house, and found Vavages inside one of the bedrooms.

¶6 Police later obtained a copy of surveillance video from the convenience store and used the video, stills from the video, and body-worn camera footage to identify Vavages and Travis James as the individuals in possession of the stolen pick-up truck. Initially, the surveillance showed Travis James in the driver's seat and Vavages in the passenger seat. However, Travis James was outside the vehicle when officers first pulled behind the truck, prompting Vavages to switch to the driver's seat and drive away.

¶7 On January 12, 2021, the State indicted Vavages on two counts: Count 1, theft of means of transportation, a class 3 felony, and Count 2, unlawful flight from a law enforcement vehicle, a class 5 felony. The trial court empaneled a jury of twelve plus three alternates on July 26, 2022.

¶8 The jury found Vavages guilty as charged on both counts. The trial court found Vavages had two historical prior felony convictions and sentenced him to a minimum term of ten years' imprisonment in the Arizona Department of Corrections on Count 1 and a concurrent, presumptive term of five years' imprisonment on Count 2. Vavages received credit for 93 days of presentence incarceration.

¶9 Vavages timely filed his notice of appeal, and we have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes sections 12-120.21(A)(1), 13-4031, and 13-4033(A).

DISCUSSION

¶10 We have reviewed the entire record for reversible error and find none. *See Leon*, 104 Ariz. at 300; *Clark*, 196 Ariz. at 537, ¶ 30. The evidence presented at trial was substantial and supports the verdicts, and

¹ Travis James later pled guilty to theft of means of transportation and was placed on probation for three years. As a term of his probation, he was ordered to serve six months in the county jail, with credit for 176 days' served.

² Both Travis James' and Emmett James' fingerprints were found on broken glass from the stolen pick-up truck at the scene of the theft.

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the sentences were within the statutory limits. Vavages was represented by counsel at all stages of the proceedings, was present at all critical stages, and was given the opportunity to speak at sentencing. The proceedings were conducted in compliance with Vavages' constitutional and statutory rights and conformed to the Arizona Rules of Criminal Procedure.

¶11 Upon the filing of this decision, Vavages' counsel shall inform him of the status of his appeal and of his future options. Counsel has no further obligations unless, upon review, counsel finds an issue that may be appropriately submitted to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984). Vavages has thirty days from the date of this decision to proceed, if he desires, with a *pro per* motion for reconsideration or petition for review.

CONCLUSION

¶12 Vavages' convictions and sentences are affirmed.



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