

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOHN GRAYLING AGEE,
Appellant.

No. 2 CA-CR 2017-0076
Filed October 3, 2017

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County
No. CR20141082001
The Honorable Casey F. McGinley, Judge Pro Tempore

AFFIRMED

COUNSEL

Dean Brault, Pima County Legal Defender
By Alex D. Heveri, Assistant Legal Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Kelly¹ concurred.

S T A R I N G, Presiding Judge:

¶1 After a jury trial, John Agee was convicted of first-degree murder and misdemeanor theft. The trial court sentenced him to a prison term of natural life for murder and time served for theft.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has reviewed the record but found no arguably meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and asked this court to search the record for error. Agee has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), we find it sufficient here. In November 2013, after Agee and another person struck the victim with a machete while interrogating him, Agee smashed the victim’s head with a rock, killing him; Agee then took items belonging to the victim.² See A.R.S.

¹The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

²The jury found the murder was both premeditated and felony murder based on kidnapping or attempted kidnapping. See A.R.S. §§ 13-1105(A)(1), (2), 13-1304(A).

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§§ 13-1105(A), 13-1802(A), (G). Agee's sentences are within the statutory range and were properly imposed. *See* A.R.S. §§ 13-752(A), 13-707(A)(1), 13-1105(D), 13-1802(G).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for reversible error and found none. Accordingly, we affirm Agee's convictions and sentences.