

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

DRAKE PATRICK MOREY,  
*Appellant.*

No. 2 CA-CR 2020-0005  
Filed August 24, 2020

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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NOT FOR PUBLICATION  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. 31.19(e).*

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Appeal from the Superior Court in Pima County  
No. CR20192591001  
The Honorable Michael Butler, Judge

**AFFIRMED**

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COUNSEL

Law Offices of Thomas Jacobs, Tucson  
By Thomas Jacobs  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Eppich and Judge Espinosa concurred.

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ECKERSTROM, Judge:

¶1 After a jury trial, Drake Morey was convicted of forgery and theft of property valued at \$1,000 or more but less than \$2,000. The trial court sentenced him to mitigated, concurrent prison terms, the longer of which was one year.

¶2 On appeal, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), stating he has reviewed the record but “has not found any issue that is not frivolous.” Consistent with *State v. Clark*, 196 Ariz. 530, ¶ 30 (App. 1999), counsel has provided “a detailed factual and procedural history of the case, with citations to the record,” and has asked us to search the record for reversible error. Morey has not filed a supplemental brief.

¶3 Viewed in the light most favorable to affirming the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, *see* A.R.S. §§ 13-1802(A)(1), 13-2002(A). In January 2019, R.L. placed check number 5668 addressed to a pool company for \$114.99 in his mailbox; however, the company never received the check. Two months later, Morey cashed that check, which had been altered to be payable to him in the amount of \$1,800, with “Star Wars Warehouse” written in the memo line.

¶4 In his *Anders* brief, counsel has identified one issue that he “does not believe to be legally meritorious” but nonetheless suggests may “merit consideration for fundamental error.” That issue is whether the trial court erred in granting the state’s motion to admit other-act evidence under Rule 404(b), Ariz. R. Evid. Morey opposed the state’s motion at a hearing on September 24, 2019. We review the admission of evidence for an abuse of discretion. *State v. Scott*, 243 Ariz. 183, ¶ 14 (App. 2017). The state sought to—and did—admit evidence of another victim’s two checks that went missing after being placed in his mailbox; were altered to be payable to

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Morey, each in the amount of \$3,300, with “Star Wars Poster” written in the memo line; and were ultimately cashed by Morey in March 2019. As the trial court correctly found, this evidence was admissible to show intent, knowledge, plan, and absence of mistake. *See State v. Lehr*, 227 Ariz. 140, ¶ 21 (2011) (similar crimes admissible under Rule 404). No abuse of discretion occurred, and we have determined this issue does not require further briefing.

¶5 The sentences imposed are within the statutory range. *See* A.R.S. §§ 13-702(D), 13-1802(G), 13-2002(C).

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