

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

KING NATHANIEL RAFFAEL YATES,
Appellant.

No. 2 CA-CR 2022-0016
Filed October 27, 2022

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NOT FOR PUBLICATION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).

Appeal from the Superior Court in Pima County
No. CR20171907001
The Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

COUNSEL

Robert A. Kerry, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Vásquez authored the decision of the Court, in which Presiding Judge Eckerstrom and Judge Cattani concurred.

VÁSQUEZ, Chief Judge:

¶1 Following a jury trial in 2021, appellant King Yates was convicted of first-degree murder.¹ The trial court sentenced Yates to natural life in prison, to be served consecutively to a natural life term in another matter.² Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating he has reviewed the record and has found “no tenable issue to raise on appeal.” Counsel has asked us to search the record for fundamental error. Yates has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, *see State v. Delgado*, 232 Ariz. 182, ¶ 2 (App. 2013), the evidence is sufficient to support the jury’s finding of guilt, *see* A.R.S. § 13-1105(A)(1). The evidence presented at trial showed that in April 2017, a corrections officer at the Pima County Jail found the deceased victim, who was Yates’s cellmate, lying on the floor of their shared cell. The victim, who died of strangulation, also sustained blunt force injuries to his head and neck, contusions and lacerations to his face, a fractured jaw, loose teeth, and contusions and abrasions to his arms and legs. The victim was not strangled by hand, but could have been strangled with a strip of a bed sheet; a strip of the sheet from Yates’s bunk was noted as missing. Although video associated with the case during the relevant time period included footage

¹After finding Yates incompetent to stand trial but restorable, the trial court found him competent to stand trial following proceedings pursuant to Rule 11, Ariz. R. Crim. P., and competent to represent himself at trial with advisory counsel.

²Yates was convicted of first-degree murder in 2020 for an offense he committed approximately five months before the underlying offense. We affirmed his conviction and sentence on appeal in that matter. *State v. Yates*, No. 2 CA-CR 2020-0101 (Ariz. App. Mar. 15, 2022) (mem. decision).

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of the victim and Yates leaving their cell to retrieve their breakfast trays, which the victim later returned, it revealed no other inmate movement to or from their cell, to which the door had otherwise remained secure. We further conclude the sentence imposed is within the statutory range. *See* A.R.S. §§ 13-752(A), 13-1105(D).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Yates's conviction and sentence are affirmed.