

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

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

LONNEY EDWARDS MCCOY,  
*Appellant.*

No. 2 CA-CR 2021-0067  
Filed July 31, 2023

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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NOT FOR PUBLICATION  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 Cochise County  
No. S0200CR201800156  
The Honorable Laura Cardinal, Judge

**AFFIRMED**

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COUNSEL

Janelle A. Mc Eachern, Chandler  
*Counsel for Appellant*

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MEMORANDUM DECISION

Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Brearcliffe and Judge Kelly concurred.

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ECKERSTROM, Judge:

¶1 After a jury trial, Lonney McCoy was convicted of theft of over \$25,000 from a vulnerable adult, unlawful use of power of attorney, and first-degree money laundering. The trial court sentenced him to concurrent, twelve-year prison terms for each offense.

¶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 she has reviewed the record but found “no arguable question of law that is not frivolous” and asking this court to search the record for error. McCoy has filed a supplemental brief asserting insufficient evidence supported his convictions, the reasonable doubt instruction given to the jury was defective, and the trial court erred by awarding restitution without allowing McCoy “to contest the restitution award.” Because McCoy filed his notice of appeal before the restitution order was entered, we do not have jurisdiction to review it. See *State v. Johnson*, 78 Ariz. 211, 213 (1954) (when no legal or proper notice of appeal given, court has no jurisdiction to entertain appeal); see also A.R.S. § 13-4033(A)(3); *Hoffman v. Chandler*, 231 Ariz. 362, ¶ 7 (2013) (recognizing § 13-4033(A)(3) would authorize direct appeal from post-judgment restitution order unless order entered pursuant to plea agreement).

¶3 Viewed in the light most favorable to sustaining the jury’s verdict, see *State v. Tamplin*, 195 Ariz. 246, ¶ 2 (App. 1999), the evidence is sufficient here, see A.R.S. §§ 13-2317(A)(1), (B)(1), (3), 13-1802(A), (B), 13-1815(A). In late 2016, McCoy obtained power of attorney from a vulnerable adult and, over the next several months, transferred or withdrew over \$30,000 from her accounts. McCoy admitted having a historical prior felony conviction. The evidence also supports the jury’s finding he was on probation at the time of his offenses and findings of aggravating factors, specifically that McCoy’s crimes caused harm to the victim, the victim was over sixty-five years old, and McCoy’s offenses were directly related to his fiduciary duty to the victim. McCoy’s prison terms

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were lawfully imposed. *See* A.R.S. §§ 13-703(B), (I), 13-2317(E), 13-1802(G), 13-1815(B).

¶4 We have searched the record for reversible error and found none. We have reviewed the arguments McCoy identified in his supplemental brief and have concluded none are arguable issues requiring further briefing. *See State v. Thompson*, 229 Ariz. 43, ¶ 3 (App. 2012). Accordingly, we affirm McCoy's convictions and sentences.