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EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 10/31/2013
RUTH A. WILLINGHAM,
CLERK
BY: mjt

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

IN RE BRANDON S.

) 1 CA-JV 13-0131
)
) DEPARTMENT C
)
) **MEMORANDUM DECISION**
) (Not for Publication -
) 103(G) Ariz.R.P. Juv.
) Ct.; Rule 28 ARCAP)
)
)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. JV549877

The Honorable Kirby D. Kongable, Commissioner

AFFIRMED

Thomas C. Horne, Arizona Attorney General Phoenix
By Joseph T. Maziarz, Chief Counsel
Criminal Appeals/Capital Litigation Section
And Robert A. Walsh, Assistant Attorney General
Attorneys for Appellee

Bruce F. Peterson, Maricopa County Legal Defender Mesa
By Suzanne W. Sanchez, Deputy Legal Defender
Attorneys for Appellant

O R O Z C O, Judge

¶1 Brandon S. (Juvenile) appeals the juvenile court's order requiring him to register as a sex offender until the age of twenty-five pursuant to Arizona Revised Statute (A.R.S.) Section 13-3821.D. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 In 2010, the juvenile court adjudicated Juvenile delinquent of attempted molestation of a child, a class three felony and a misdemeanor charge of assault. In February 2011, the juvenile court placed Juvenile on probation and ordered that he remain under the protective custody of a probation officer, and in the physical custody of A New Leaf, a treatment center. The court deferred its decision whether to require Juvenile to register as a sex offender.

¶3 Juvenile failed to complete the treatment program at A New Leaf. As a result, in June 2011, the juvenile court found Juvenile violated his probation, committed him to the Arizona Department of Juvenile Corrections (ADJC) and, again, deferred the issue of Juvenile's sex offender registration. ADJC released Juvenile from custody in November 2011 and, at that time, the juvenile court again deferred a decision on sex offender registration to see how Juvenile would perform once back in the community.

¶4 At an April 2013 status hearing, Juvenile's probation officer testified that a recent report from an agency called

"Resolution Group" indicated Juvenile was not fully invested in his rehabilitation and was "unable to internalize much of the treatment." Moreover, the probation officer said Juvenile was highly sexual and possessed highly distorted perceptions that his "girlfriends" caused him to sexually offend. Citing community safety concerns, the probation officer recommended that Juvenile be ordered to register as a sex offender.

¶15 The State also supported requiring registration because the Juvenile was not invested in his rehabilitation. The State based its argument on the fact that Juvenile willfully violated the terms of his probation by engaging in sexual relationships, only showed investment in the rehabilitation program the three weeks leading up to the hearing, had a history of not showing up to treatment sessions, and was deceptive when asked why he did not attend treatment.

¶16 Juvenile opposed registration and, in the alternative, asked the juvenile court to defer the decision. After reviewing all reports and considering the arguments provided, the juvenile court ordered Juvenile to register as sex offender, finding Juvenile "has not really yet come to grips with the things he needs to . . . self-regulate and provide some self-assurance of safety to the community."

¶17 Juvenile timely appealed. We have jurisdiction pursuant to A.R.S. § 8-235.A and Arizona Rules of Procedure for

the Juvenile Court 103. See also *In re Javier B.*, 230 Ariz. 100, 102, 280 P.3d 644, 646 (App. 2012)¹ (“[B]oth the disposition order and a later order requiring sex offender registration will generally be final, appealable orders”).

DISCUSSION

¶18 The juvenile court has the authority to require a juvenile adjudicated as delinquent under A.R.S. § 13-3821.A or C to register as a sex offender until the age of twenty-five. A.R.S. § 13-3821.D (Supp. 2012). The statute “does not direct the court to consider any specific factors before making its determination on whether to order a juvenile to register.” *Javier B.*, 230 Ariz. at 104, ¶ 18, 280 P.3d at 648. Absent a clear abuse of discretion, this court will not disturb such a decision. *Id.* at 104, ¶ 17, 280 P.3d at 648.

¶19 The juvenile court monitored Juvenile’s progress for more than two years before making a final determination regarding registration. At the hearing, the juvenile court indicated it had reviewed the most recent reports from the Resolution Group and the probation officer. Both Juvenile’s probation officer and the State recommended that the juvenile court require him to register. Information was presented of Juvenile’s continuing sexual activity and lack of investment in

¹ We cite the current version of the applicable statutes when no revisions material to this decision have since occurred.

his own treatment. Thus, the juvenile court found registration necessary for community safety. The record supports the juvenile court's decision, thus, we find no abuse of discretion.

CONCLUSION

¶10 For the foregoing reasons, we affirm the juvenile courts order requiring Juvenile to register as a sex offender until the age of twenty-five.

/S/

PATRICIA A. OROZCO, Judge

CONCURRING:

/S/

RANDALL M. HOWE, Presiding Judge

/S/

SAMUEL A. THUMMA, Judge