

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

IN RE CARLOS C.

No. 1 CA-JV 18-0033
FILED 8-14-2018

Appeal from the Superior Court in Maricopa County
No. JV186344
The Honorable Judge Joseph C. Welty

AFFIRMED

COUNSEL

The Law Offices of Kevin Breger, PLLC, Scottsdale
By Kevin Breger
Counsel for Appellant Carlos C.

Maricopa County Attorney's Office, Phoenix
By Robert E. Prather
Counsel for Appellee

MEMORANDUM DECISION

Presiding Judge James P. Beene delivered the decision of the Court, in
which Judge Michael J. Brown and Judge Jennifer M. Perkins joined.

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B E E N E, Judge:

¶1 Carlos C. appeals the superior court's ruling adjudicating him delinquent and the resulting disposition. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 The State, through the Maricopa County Attorney's Office, filed a delinquency petition charging Carlos with one count of aggravated assault, one count of assault, and one count of criminal damage, each a domestic violence offense. The petition alleged that the two assaults took place at 820 East Brown Road #36 in Mesa, and the criminal damage offense also took place in Mesa.

¶3 On October 18, 2017, Carlos became angry after being woken up early, and attacked the victims, L.C. and E.P. Carlos choked and hit L.C. repeatedly and kicked E.P., L.C.'s 8-year-old nephew. At the adjudication hearing, L.C. did not provide the city or county in which the assault occurred, but testified the incident took place at her apartment at 820 East Brown Road Apartment 36. She further testified that, in a separate incident at a shopping center near her apartment, Carlos smashed her \$900 iPhone.

¶4 The court adjudicated Carlos delinquent on all counts and sentenced him to a minimum of 90 days in the Arizona Department of Juvenile Corrections. This timely appeal followed.

DISCUSSION

¶5 Carlos argues that the superior court did not have proper jurisdiction over his case because the State failed to provide evidence that the offenses occurred in Maricopa County. We review the superior court's disposition order for an abuse of discretion. *In re Nickolas T.*, 223 Ariz. 403, 404, ¶ 4 (App. 2010).

¶6 Venue is appropriate in the county where the alleged delinquent act occurred. Ariz. Rev. Stat. ("A.R.S.") § 8-206(B). Although "proper venue is a jurisdictional requirement" in Arizona criminal prosecutions, *State v. Agnew*, 132 Ariz. 567, 577 (App. 1982), the state is required to prove venue only by a preponderance of the evidence, *State v. Mohr*, 150 Ariz. 564, 566 (App. 1986). "Venue may be proven by indirect or circumstantial evidence." *Id.*

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¶7 Here, L.C. stated that she was assaulted at her apartment at 820 East Brown Road, Apartment 36. A police officer who responded to the scene where the assaults occurred testified that he works for the Mesa Police Department. A forensic nurse also testified that she examined L.P.'s injuries at the Mesa Family Advocacy Center. Finally, Carlos testified that he grew up in Phoenix and lived there his entire life.

¶8 The sum of this testimony allowed the superior court to infer proper jurisdiction and venue. Accordingly, the court did not abuse its discretion in adjudicating Carlos delinquent on all counts.

CONCLUSION

¶9 For the foregoing reasons, we affirm the superior court's adjudication and disposition of the juvenile.



AMY M. WOOD • Clerk of the Court
FILED: AA