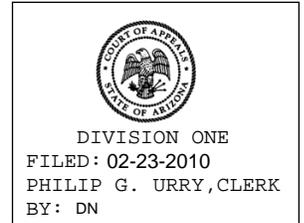


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



IN RE AARON F.) 1 CA-JV 09-0185
)
) DEPARTMENT B
)
) **MEMORANDUM DECISION**
) (Not for Publication -
) Ariz. R.P. Juv. Ct. 103(G);
) ARCAP 28)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. JV 542815

The Honorable James H. Keppel, Judge

AFFIRMED

Terry Goddard, Attorney General Phoenix
By Kent E. Cattani, Chief Counsel
Criminal Appeals/Capital Litigation Section
and Jeffrey W. Trudgian, Appeals Bureau Chief
Maricopa County Attorney's Office
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Terry Reid, Deputy Public Defender
Attorneys for Appellant

N O R R I S, Judge

¶1 Aaron F. appeals from his change of plea and the juvenile court's disposition order committing him to the Arizona

Department of Juvenile Corrections ("ADJC") and ordering him to register as a sex offender. After searching the record and finding no arguable question of law that was not frivolous, Aaron's counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989), asking this court to search the record for fundamental error. After reviewing the entire record, we find no fundamental error and therefore affirm the juvenile court's disposition.

FACTS AND PROCEDURAL HISTORY¹

¶2 In March 2007, Aaron admitted to a charge of public sexual indecency to a minor, a class five felony, in violation of Arizona Revised Statutes ("A.R.S.") section 13-1403 (Supp. 2005). The juvenile court accepted his admission, made him a ward of the court, and placed him under protective custody of a probation officer and in physical custody of the Arizona Department of Economic Security/Child Protective Services ("CPS"), to reside at the Youth Development Institute ("YDI"). The court deferred sex offender registration. Aaron remained in placement at YDI for the next 979 days, living most of this time in a therapeutic group home.

¹"[W]e view the evidence in the light most favorable to sustaining the adjudication." *In re John M.*, 201 Ariz. 424, 426, ¶ 7, 36 P.3d 772, 774 (App. 2001).

¶13 On September 2, 2009, the juvenile court found probable cause that Aaron had violated the terms of his probation and issued a Temporary Custody Warrant for his apprehension. In so doing, the court considered a petition to revoke custody filed by a juvenile probation officer that stated Aaron had left his group home, cashed a check, and had given \$370 "to another group home resident to buy salvia and sell it to children. Salvia is a psychoactive herb which can induce strong dissociative effects."

¶14 On September 4, 2009, Aaron admitted to violating the terms of his probation by leaving the group home without permission. Before accepting his admission, the juvenile court advised him of his constitutional rights and the possible dispositional consequences of his admission; found he had knowingly, intelligently, and voluntarily waived his rights; and obtained a factual basis from him supporting his admission. See Ariz. R.P. Juv. Ct. 28(C).

¶15 At Aaron's disposition hearing, the juvenile court heard from his probation officer, his CPS case manager, his attorney, both his parents, and counsel for the State. The State argued Aaron was "an extreme risk to the community," and the State and Aaron's CPS case manager joined the probation officer's recommendation Aaron be committed to the ADJC. The juvenile court committed Aaron to the ADJC until his 18th

birthday and ordered Aaron to register as a sex offender. Aaron timely appealed. We have jurisdiction pursuant to Article 6, Section 9 of the Arizona Constitution, A.R.S. §§ 12-120.21(A)(1) (2003), and 8-235(A) (2007), and Arizona Rule of Procedure for the Juvenile Court 103(A).

DISCUSSION

I. Change of Plea

¶6 Aaron first appeals from "the change of plea hearing on September 4, 2009, order filed on (September 11, 2009)." The record reflects, however, the juvenile court went through the plea agreement with Aaron in open court and engaged him in an extended colloquy regarding the rights he would be waiving as required by Arizona Rule of Procedure for the Juvenile Court 28. See *supra* ¶ 4.

II. Disposition Order

¶7 We review juvenile delinquency disposition orders for an abuse of discretion. *In re Miguel R.*, 204 Ariz. 328, 331, ¶ 3, 63 P.3d 1065, 1068 (App. 2003). In exercising its broad discretion, the juvenile court is required to consider guidelines for commitment promulgated by the Arizona Supreme Court. See A.R.S. § 8-246(C) (2007); Ariz. Code of Jud. Admin. § 6-304(C)(1) ("ACJA").

¶8 Although the juvenile court did not explicitly refer to the guidelines, it had sufficient evidence before it to

commit Aaron to the ADJC. Aaron had been adjudicated for the delinquent act of public sexual indecency to a minor and the probation officer's report stated Aaron attempted to buy a psychoactive herb for intended sale to children. On these facts, the State argued Aaron was "an extreme risk to the community," and ACJA section 6-304(C)(1)(a) specifically authorizes the juvenile court to "commit those juveniles who are adjudicated for a delinquent act and whom the court believes require placement in a secure care facility for the protection of the community." Thus, the juvenile court acted within its discretion in committing Aaron to the ADJC.

¶19 The juvenile court also acted within its discretion in ordering Aaron to register as a sex offender. See A.R.S. § 13-3821(D) (Supp. 2009).²

¶10 We have reviewed the entire record for reversible error and find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. Aaron was represented by counsel at all stages of the probation revocation and disposition proceedings, and he was personally present at all critical stages. The court imposed an appropriate disposition for Aaron's adjudication. See A.R.S. § 8-341(A)(1)(e) (Supp. 2009).

²Although certain statutes cited in this decision were amended after the date of Aaron's probation violation, the revisions are immaterial. Thus, we cite to the current versions of these statutes.

CONCLUSION

¶11 We decline to order briefing and affirm the court's disposition and registration orders.

¶12 Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), Aaron's counsel's obligations in this appeal have ended. Counsel need do no more than inform Aaron of the status of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See Ariz. R.P. Juv. Ct. 107(A), (J).

/s/

PATRICIA K. NORRIS, Presiding Judge

CONCURRING:

/s/

DANIEL A. BARKER, Judge

/s/

PETER B. SWANN, Judge